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FEDERAL REGISTER

VOLUME 25 NUMBER 112

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10880

PERMITTING CERTAIN EMPLOYEES TO BE GIVEN CAREER OR CAREER-CONDITIONAL APPOINTMENTS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) Except as provided by subsection (b) of this section and by section 4 hereof, any employee of the United States Government or of the District of Columbia Government who on the date of this order is serving in a position in the competitive service under an indefinite appointment or a temporary appointment without a definite time limitation may have his appointment converted to a career or career-conditional appointment: *Provided,* that such employee—

(i) shall have completed two years of continuous service immediately preceding the date of this order in a competitive position or positions;

(ii) shall be recommended for the benefits of this order by his agency within one year after the date of this order;

(iii) shall have completed, prior to the date of recommendation by his agency, a total of continuous or intermittent satisfactory service aggregating not less than three years in a competitive position or positions;

(iv) during the period beginning January 23, 1955, and ending on the date of this order, shall have passed a qualifying examination for a position in the competitive service in which he served during such period, or shall meet such non-competitive examination standards as the Civil Service Commission shall prescribe with respect to the position held at the time of the agency recommendation for conversion of his appointment; and

(v) shall meet the requirements prescribed by the Civil Service Commission under section 5 of this order.

(b) The requirements of paragraphs (i) and (iii) of subsection (a) of this section shall not apply to substitute employees of the Postal Field Service. In lieu of such requirements, any such employee, during each year of the three-year period ending on the date that conversion of his appointment is recommended, shall have been paid for at least 700 hours of satifactory work in a competitive position or positions for which the salary is fixed by the Postal Field Service Compensation Act of 1955, as amended (39 U.S.C. 951–1038). The conversion of the appointment of a substitute employee shall be effected only as career substitute vacancies are available, under applicable law, in the Postal Field Service.

SEC. 2. For the purposes of section 1 hereof, (a) "status-quo" employees shall be considered as serving under indefinite appointments, and (b) "service" shall include military service if the employee shall have left a competitive position to enter the armed forces of the United States and shall have been re-employed in a competitive position within 120 days after discharge under honorable conditions.

SEC. 3. Any person who left a competitive position to enter the armed forces of the United States who would meet the requirements of section 1 except for absence in the armed forces on the date of this order and who is re-employed by an agency in a competitive position within 120 days after discharge from the armed forces under honorable conditions may have his appointment converted if he is recommended by such agency within ninety days after his re-employment and qualifies in such examination as the Civil Service Commission may prescribe.

SEC. 4. This order shall not apply to postmasters or rural carriers, or to employees serving under overseas limited appointments of indefinite or fixed duration.

SEC. 5. The Civil Service Commission may prescribe such regulations as may be necessary for carrying out the provisions of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 7, 1960.

[F.R. Doc. 60-5292; Filed, June 7, 1960; 5:01 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Grain Sorghums Loan and Purchase Agreement Program

The C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 was supplemented by 1960 C.C.C. Grain Price Support Bulletin 1, Grain Sorghums (25 F.R. 3920), containing specific requirements applicable to price support operations on the 1960 grain sorghums crop. These regulations are further supplemented as follows:

§ 421.5237 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per hundredweight
Sioux City, Iowa	$1.74
Omaha, Nebr	1.78
Council Bluffs, Iowa	1.78
Atchison, Kans	1.87
Kansas City, Kans	1.87
Kansas City, Mo	1.87
St. Joseph, Mo	1.87
Cairo, Ill	1.96
St. Louis, Mo	1.96
Memphis, Tenn	2.00
Corpus Christi, Tex	2.02
Galveston, Tex	2.02
Houston, Tex	2.02
Port Arthur, Tex	2.02
Baton Rouge, La	2.02
New Orleans, La	2.02
Los Angeles, Calif	2.18
Oakland, Calif	2.18
San Francisco, Calif	2.18
Stockton, Calif	2.18
Astoria, Oreg	2.18
Portland, Oreg	2.18
Longview, Wash	2.18
Seattle, Wash	2.18
Tacoma, Wash	2.18
Vancouver, Wash	2.18

(b) *Basic county support rates.* (1) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and county warehouse-storage loans, except as otherwise provided in § 421.5233(b), will be based on the support rate established for the county in which the grain sorghums are stored.

(2) If two or more warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per hundredweight
All counties	$1.59

ARIZONA

County	Rate per hundredweight	County	Rate per hundredweight
Apache	$1.33	Mohave	$1.32
Cochise	1.66	Navajo	1.33
Coconino	1.33	Pima	1.78
Gila	1.28	Pinal	1.83
Graham	1.58	Santa Cruz	1.68
Greenlee	1.28	Yavapai	1.33
Maricopa	1.83	Yuma	1.86

ARKANSAS

Arkansas	$1.73	Lee	$1.73
Ashley	1.56	Lincoln	1.65
Baxter	1.55	Little River	1.51
Benton	1.47	Logan	1.51
Boone	1.52	Lonoke	1.73
Bradley	1.55	Madison	1.47
Calhoun	1.56	Marion	1.52
Carroll	1.50	Miller	1.51
Chicot	1.56	Mississippi	1.73
Clark	1.56	Monroe	1.73
Clay	1.73	Montgomery	1.51
Cleburne	1.73	Nevada	1.52
Cleveland	1.61	Newton	1.52
Columbia	1.52	Ouachita	1.55
Conway	1.69	Perry	1.56
Craighead	1.73	Phillips	1.73
Crawford	1.50	Pike	1.52
Crittenden	1.73	Poinsett	1.73
Cross	1.73	Polk	1.47
Dallas	1.57	Pope	1.55
Desha	1.72	Prairie	1.73
Drew	1.60	Pulaski	1.72
Faulkner	1.70	Randolph	1.73
Franklin	1.52	St. Francis	1.73
Fulton	1.61	Saline	1.61
Garland	1.56	Scott	1.47
Grant	1.57	Searcy	1.52
Greene	1.73	Sebastian	1.50
Hempstead	1.52	Sevier	1.49
Hot Spring	1.57	Sharp	1.61
Howard	1.51	Stone	1.59
Independence	1.63	Union	1.52
Izard	1.57	Van Buren	1.62
Jackson	1.73	Washington	1.47
Jefferson	1.70	White	1.73
Johnson	1.52	Woodruff	1.73
Lafayette	1.52	Yell	1.55
Lawrence	1.73		

CALIFORNIA

County	Rate per hundredweight	County	Rate per hundredweight
Alameda	$1.96	Sacramento	$1.96
Amador	1.96	San Benito	1.89
Butte	1.87	San Bernardino	1.92
Calaveras	1.96	San Diego	1.84
Colusa	1.89	San Francisco	1.99
Contra Costa	1.96	San Joaquin	1.99
El Dorado	1.91	San Luis Obispo	1.81
Fresno	1.88	San Mateo	1.97
Glenn	1.84	Santa Barbara	1.84
Imperial	1.89	Santa Clara	1.95
Inyo	1.64	Santa Cruz	1.91
Kern	1.83	Shasta	1.75
Kings	1.88	Sierra	1.64
Lake	1.86	Siskiyou	1.75
Lassen	1.66	Solano	1.94
Los Angeles	1.94	Sonoma	1.94
Madera	1.91	Stanislaus	1.97
Marin	1.96	Sutter	1.90
Merced	1.94	Tehama	1.80
Modoc	1.73	Tulare	1.87
Mono	1.59	Tuolumne	1.97
Monterey	1.87	Ventura	1.93
Napa	1.95	Yolo	1.92
Orange	1.91	Yuba	1.91
Placer	1.93		
Plumas	1.78		
Riverside	1.87		

COLORADO

Baca	$1.38
All other counties	1.34

FLORIDA

All counties	$1.59

GEORGIA

All counties	$1.64

IDAHO

All counties	$1.34

ILLINOIS

All counties	$1.46

INDIANA

All counties	$1.49

IOWA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.52	Marion	$1.49
Adams	1.55	Mills	1.56
Appanoose	1.54	Monona	1.55
Audubon	1.54	Monroe	1.51
Boone	1.49	Montgomery	1.56
Buena Vista	1.49	O'Brien	1.52
Calhoun	1.50	Osceola	1.51
Carroll	1.54	Page	1.57
Cass	1.53	Plymouth	1.52
Cherokee	1.52	Pocahontas	1.47
Clarke	1.53	Polk	1.49
Clay	1.49	Pottawattamie	1.56
Crawford	1.56	Ringgold	1.56
Dallas	1.49	Sac	1.51
Davis	1.51	Shelby	1.56
Decatur	1.55	Sioux	1.52
Fremont	1.56	Story	1.47
Greene	1.50	Taylor	1.58
Guthrie	1.52	Union	1.56
Harrison	1.56	Van Buren	1.48
Ida	1.51	Wapello	1.50
Jasper	1.47	Warren	1.51
Jefferson	1.48	Wayne	1.56
Lee	1.48	Webster	1.48
Lucas	1.53	Woodbury	1.52
Lyon	1.51	All other counties	1.46
Madison	1.50		
Mahaska	1.48		

KANSAS

County	Rate per hundredweight	County	Rate per hundredweight
Allen	$1.51	Lyon	$1.50
Anderson	1.53	McPherson	1.42
Atchison	1.57	Marion	1.43
Barber	1.39	Marshall	1.50
Barton	1.39	Meade	1.39
Bourbon	1.53	Miami	1.57
Brown	1.53	Mitchell	1.42
Butler	1.43	Montgomery	1.50
Chase	1.47	Morris	1.46
Chautauqua	1.47	Morton	1.44
Cherokee	1.50	Nemaha	1.51
Clay	1.45	Neosho	1.51
Cloud	1.44	Ness	1.38
Coffey	1.51	Norton	1.39
Comanche	1.36	Osage	1.52
Cowley	1.43	Osborne	1.41
Crawford	1.51	Ottawa	1.43
Decatur	1.35	Pawnee	1.39
Dickinson	1.43	Phillips	1.39
Doniphan	1.52	Pottawatomie	1.51
Douglas	1.56	Pratt	1.39
Edwards	1.39	Reno	1.41
Elk	1.47	Republic	1.44
Ellis	1.39	Rice	1.42
Ellsworth	1.42	Riley	1.50
Ford	1.37	Rooks	1.40
Franklin	1.56	Rush	1.39
Geary	1.47	Russell	1.40
Gove	1.35	Saline	1.43
Graham	1.39	Sedgwick	1.43
Grant	1.38	Seward	1.44
Greenwood	1.48	Shawnee	1.53
Harper	1.41	Sheridan	1.35
Harvey	1.43	Smith	1.42
Hodgeman	1.38	Stafford	1.39
Jackson	1.53	Stanton	1.38
Jefferson	1.56	Stevens	1.41
Jewell	1.43	Sumner	1.43
Johnson	1.59	Trego	1.39
Kingman	1.42	Wabaunsee	1.50
Kiowa	1.39	Washington	1.46
Labette	1.50	Wilson	1.50
Lane	1.35	Woodson	1.51
Leavenworth	1.59	Wyandotte	1.60
Lincoln	1.42	All other counties	1.34
Linn	1.53		

KENTUCKY

All counties $1.59

LOUISIANA

All counties $1.59

MICHIGAN

All counties $1.44

MINNESOTA

All counties $1.39

MISSISSIPPI

All counties $1.59

MISSOURI

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.53	Christian	$1.51
Andrew	1.64	Clark	1.52
Atchison	1.59	Clay	1.65
Audrain	1.54	Clinton	1.65
Barry	1.49	Cole	1.52
Barton	1.54	Cooper	1.58
Bates	1.57	Crawford	1.52
Benton	1.60	Dade	1.50
Bollinger	1.69	Dallas	1.47
Boone	1.55	Daviess	1.62
Buchanan	1.61	De Kalb	1.64
Butler	1.72	Dent	1.49
Caldwell	1.65	Douglas	1.52
Callaway	1.52	Dunklin	1.73
Camden	1.47	Franklin	1.56
Cape Girardeau	1.70	Gasconade	1.52
Carroll	1.65	Gentry	1.60
Carter	1.52	Greene	1.51
Cass	1.62	Grundy	1.61
Cedar	1.53	Harrison	1.58
Chariton	1.62	Henry	1.58
		Hickory	1.51

MISSOURI—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Holt	$1.61	Pettis	$1.60
Howard	1.59	Phelps	1.50
Howell	1.57	Pike	1.50
Iron	1.67	Platte	1.65
Jackson	1.65	Polk	1.50
Jasper	1.50	Pulaski	1.48
Jefferson	1.64	Putnam	1.57
Johnson	1.62	Ralls	1.53
Knox	1.52	Randolph	1.59
Laclede	1.46	Ray	1.65
Lafayette	1.65	Reynolds	1.49
Lawrence	1.49	Ripley	1.72
Lewis	1.52	St. Charles	1.56
Lincoln	1.49	St. Clair	1.54
Linn	1.61	St. Francois	1.67
Livingston	1.63	St. Louis	1.57
McDonald	1.49	Ste. Genevieve	1.65
Macon	1.58	Saline	1.63
Madison	1.67	Schuyler	1.53
Maries	1.51	Scotland	1.51
Marion	1.52	Scott	1.71
Mercer	1.59	Shannon	1.52
Miller	1.47	Shelby	1.56
Mississippi	1.71	Stoddard	1.71
Moniteau	1.55	Stone	1.51
Monroe	1.55	Sullivan	1.59
Montgomery	1.53	Taney	1.51
Morgan	1.51	Texas	1.52
New Madrid	1.73	Vernon	1.53
Newton	1.49	Warren	1.55
Nodaway	1.61	Washington	1.65
Oregon	1.61	Wayne	1.71
Osage	1.50	Webster	1.50
Ozark	1.55	Worth	1.60
Pemiscot	1.73	Wright	1.52
Perry	1.65		

NEBRASKA

Adams	$1.43	Knox	$1.49
Antelope	1.47	Lancaster	1.52
Boone	1.49	Loup	1.35
Boyd	1.43	Madison	1.50
Buffalo	1.37	Merrick	1.46
Burt	1.56	Nance	1.50
Butler	1.54	Nemaha	1.51
Cass	1.54	Nuckolls	1.44
Cedar	1.52	Otoe	1.51
Clay	1.45	Pawnee	1.50
Colfax	1.54	Phelps	1.40
Cuming	1.55	Pierce	1.49
Dakota	1.52	Platte	1.52
Dawson	1.36	Polk	1.50
Dixon	1.52	Red Willow	1.36
Dodge	1.56	Richardson	1.51
Douglas	1.56	Saline	1.50
Fillmore	1.47	Sarpy	1.56
Franklin	1.40	Saunders	1.56
Frontier	1.35	Seward	1.53
Furnas	1.38	Sherman	1.37
Gage	1.59	Stanton	1.52
Garfield	1.36	Thayer	1.46
Gosper	1.39	Thurston	1.53
Greeley	1.43	Valley	1.36
Hall	1.39	Washington	1.56
Hamilton	1.44	Wayne	1.52
Harlan	1.40	Webster	1.42
Holt	1.40	Wheeler	1.48
Howard	1.40	York	1.49
Jefferson	1.47	All other counties	1.34
Johnson	1.51		
Kearney	1.41		

NEVADA

All counties $1.44

NEW MEXICO

Hidalgo	$1.49
Luna	1.49
All other counties	1.48

NORTH CAROLINA

All counties $1.64

NORTH DAKOTA

All counties $1.34

OHIO

All counties $1.49

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.40	Major	$1.45
Alfalfa	1.40	Mayes	1.45
Beaver	1.39	Noble	1.44
Bryan	1.49	Nowata	1.49
Cherokee	1.45	Osage	1.42
Delaware	1.47	Pawnee	1.46
Dewey	1.45	Pushmataha	1.41
Ellis	1.40	Roger Mills	1.47
Garfield	1.46	Rogers	1.45
Grant	1.40	Sequoyah	1.40
Harper	1.38	Tulsa	1.44
Haskell	1.40	Wagoner	1.43
Kay	1.40	Woods	1.38
Latimer	1.40	Woodward	1.39
Le Flore	1.40	All other counties	1.48
Love	1.50		
McCurtain	1.40		

OREGON

All counties $1.49

SOUTH CAROLINA

All counties $1.64

SOUTH DAKOTA

County	Rate per hundredweight	County	Rate per hundredweight
Aurora	$1.43	Jerauld	$1.41
Beadle	1.38	Kingsbury	1.42
Bon Homme	1.49	Lake	1.45
Brule	1.40	Lincoln	1.51
Buffalo	1.40	Lyman	1.35
Charles Mix	1.46	McCook	1.47
Clark	1.38	Miner	1.44
Clay	1.52	Minnehaha	1.49
Codington	1.38	Moody	1.46
Davison	1.44	Sanborn	1.42
Deuel	1.40	Spink	1.36
Douglas	1.46	Tripp	1.36
Grant	1.35	Turner	1.49
Gregory	1.39	Union	1.52
Hamlin	1.41	Yankton	1.51
Hand	1.36	All other counties	1.34
Hanson	1.45		
Hutchinson	1.47		

TENNESSEE

All counties $1.59

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$1.71	Colorado	$1.78
Angelina	1.76	Comal	1.75
Aransas	1.85	Comanche	1.59
Archer	1.49	Concho	1.55
Atascosa	1.77	Cooke	1.56
Austin	1.81	Coryell	1.67
Bandera	1.73	Dallas	1.63
Bastrop	1.74	Delta	1.56
Bee	1.84	Denton	1.59
Bell	1.70	De Witt	1.77
Bexar	1.75	Dimmit	1.65
Blanco	1.69	Duval	1.80
Bosque	1.65	Eastland	1.56
Bowie	1.56	Edwards	1.53
Brazoria	1.82	Ellis	1.67
Brazos	1.77	Erath	1.58
Brooks	1.77	Falls	1.72
Brooks	1.77	Fannin	1.57
Brown	1.59	Fayette	1.76
Burleson	1.76	Fort Bend	1.82
Burnet	1.66	Franklin	1.61
Caldwell	1.72	Freestone	1.70
Calhoun	1.78	Frio	1.71
Callahan	1.53	Galveston	1.82
Cameron	1.70	Gillespie	1.73
Camp	1.61	Goliad	1.80
Cass	1.58	Gonzales	1.73
Chambers	1.76	Grayson	1.57
Cherokee	1.71	Gregg	1.63
Clay	1.53	Grimes	1.78
Coke	1.48	Guadalupe	1.75
Coleman	1.55	Hamilton	1.61
Collin	1.61	Hardin	1.76

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Harris	$1.82	Neuces	$1.86
Harrison	1.62	Orange	1.76
Hays	1.72	Palo Pinto	1.56
Henderson	1.67	Panola	1.67
Hidalgo	1.70	Parker	1.60
Hill	1.66	Polk	1.78
Hood	1.59	Rains	1.63
Hopkins	1.57	Real	1.70
Houston	1.76	Red River	1.53
Hunt	1.58	Refugio	1.81
Jack	1.55	Robertson	1.73
Jackson	1.77	Rockwall	1.59
Jasper	1.75	Runnels	1.53
Jefferson	1.78	Rusk	1.66
Jim Hogg	1.77	Sabine	1.70
Jim Wells	1.85	San Augustine	1.70
Johnson	1.63	San Jacinto	1.81
Jones	1.49	San Patricio	1.86
Karnes	1.78	San Saba	1.59
Kaufman	1.62	Shackelford	1.51
Kendall	1.74	Shelby	1.70
Kenedy	1.81	Smith	1.66
Kerr	1.73	Somervell	1.60
Kimble	1.56	Starr	1.69
Kinney	1.65	Stephens	1.55
Kleberg	1.84	Tarrant	1.63
Lamar	1.55	Taylor	1.50
Lampasas	1.65	Throck'ton	1.51
La Salle	1.69	Titus	1.61
Lavaca	1.76	Travis	1.71
Lee	1.76	Trinity	1.78
Leon	1.74	Tyler	1.75
Liberty	1.81	Upshur	1.63
Limestone	1.72	Uvalde	1.70
Live Oak	1.82	Val Verde	1.61
Llano	1.65	Van Zandt	1.63
McCulloch	1.57	Victoria	1.79
McLennan	1.70	Walker	1.79
McMullen	1.78	Waller	1.82
Madison	1.77	Washington	1.78
Marion	1.61	Webb	1.73
Mason	1.59	Wharton	1.80
Matagorda	1.78	Wichita	1.50
Maverick	1.64	Willacy	1.71
Medina	1.74	Williamson	1.71
Menard	1.55	Wilson	1.76
Milam	1.73	Wise	1.57
Mills	1.67	Wood	1.62
Montague	1.54	Young	1.55
Montgomery	1.81	Zapata	1.69
Morris	1.61	Zavala	1.65
Nacogdoches	1.71	All other counties	1.48
Navarro	1.68		
Newton	1.75		

UTAH

All counties $1.34

VIRGINIA

All counties $1.64

WASHINGTON

All counties $1.49

WISCONSIN

All counties $1.39

WYOMING

All counties $1.34

(c) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 5 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 10 cents per 100 pounds.

(2) Grain sorghums which grade "Smutty" shall be discounted 5 cents per 100 pounds.

(3) Grain sorghums which grade "Discolored" shall be discounted 7 cents per 100 pounds.

(4) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the Classes I to IV inclusive.

(5) The discounts in this paragraph shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 3d day of June 1960.

ANDREW J. MAIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-5248; Filed, June 8, 1960; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Subpart A—Regulations

SUPPLEMENTAL INSTRUCTIONS AND PROCEDURES FOR INSPECTION OF CARGO WHEAT FOR PROTEIN CONTENT; FEES AND CHARGES FOR INSPECTION SERVICE

Correction

In F.R. Doc. 60-4106, appearing in the issue of Friday, May 6, 1960, at page 3926, the reference in § 68.42a(c)(4)(v) reading "(see paragraph (a)(2)(v) of this section)" should be changed to read "(see § 68.4a(a)(2)(v))".

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1960 and Succeeding Crops

Basis and purpose. The provisions of §§ 722.1 to 722.51 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers, warehousemen, and others; and other miscellaneous matters regarding the production and marketing of cotton.

Notice of proposed formulation of marketing quota regulations for upland cotton of the 1960 and succeeding crops when marketing quotas are in effect for upland cotton was published in the FEDERAL REGISTER on April 22, 1960 (25 F.R. 3529) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and the data and recommendations received in response to such notice have been duly considered.

GENERAL

IDENTIFICATION AND MEASUREMENT OF FARMS

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

IDENTIFICATION OF COTTON

PENALTY

RECORDS AND REPORTS

AUTHORITY: §§ 722.1 to 722.51 issued under sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 362, 363, 365–368, 372–374, 388, 52 Stat. 38, 62, 63–65, as amended, 68, secs. 344–347, 63 Stat. 670, as amended, 674, 675, as amended; 7 U.S.C. 1301, 1362, 1363, 1365–1368, 1372–1374, 1388, 1344–1347; sec. 102, 72 Stat. 988; 7 U.S.C. 1443.

GENERAL

§ 722.1 Applicability.

The provisions of §§ 722.1 to 722.51 apply to cotton produced in 1960 and succeeding years when marketing quotas are in effect and to carry-over cotton which is marketed by producers in the 1960–61 and succeeding marketing years. The regulations pertaining to marketing quotas for upland cotton of the 1958 and succeeding crops (23 F.R. 3231), as amended, apply to the 1958 and 1959 crops of upland cotton.

§ 722.2 Definitions.

As used in §§ 722.1 to 722.51 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *General terms.* (1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, heretofore or hereafter made.

(2) The terms "Secretary", "Deputy Administrator", "State committee", "county committee", "community committee", "State administrative officer", "county office manager", "operator", and "person" as defined in Part 718 of this chapter (24 F.R. 4223), as amended, shall apply to the regulations in §§ 722.1 to 722.51.

(3) "Director" means the Director, or Acting Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(5) "Treasurer" means the county office manager or the person designated by him to act as county committee treasurer.

(6) "Upland cotton" (referred to in §§ 722.1 to 722.51 as "cotton") means any cotton other than extra long staple cotton.

(7) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, as provided under section 347(a) of the act.

(8) "Carry-over cotton" for any year means the unmarketed cotton from any previous crop which the producer thereof has on hand as of August 1 of such year.

(9) "State and county code" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(10) "Penalty" for any year means the amount payable with respect to the farm marketing excess for such year as determined under section 346 of the act and § 722.26.

(11) "Crop year" means the calendar year in which the cotton is planted.

(12) The terms "county", "farm" and "farm serial number" as defined in Part 719 of this chapter (23 F.R. 6731), as amended, shall apply to the regulations in §§ 722.1 to 722.51.

(13) "Seed cotton" means the harvested fruit of the cotton plant before ginning.

(14) "Lint cotton" means the fiber taken from seed cotton by ginning.

(15) "Normal yield for any county" for a crop year means the average yield per harvested acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined, as established by the Director, with the approval of the Administrator of Commodity Stabilization Service. If for any year of such five-year period actual yield data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. The normal yield determined for a county shall be kept readily available to the public in the county office and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(16) "Expiration of time limitations" as set forth in Part 720 of this chapter (24 F.R. 4233) shall apply to the regulations in §§ 722.1 to 722.51.

(b) *Terms relating to farms.* (1) "Farm allotment" means a cotton acreage allotment established for a farm under the applicable acreage allotment regulations.

(2) "New cotton farm" means a farm on which cotton is to be planted in a crop year but such farm is not eligible for an allotment as an old cotton farm for such crop year.

(3) "Acreage planted to cotton on the farm" for a crop year, for purposes of §§ 722.1 to 722.51 shall be the acreage seeded to cotton on the farm in such year and the acreage devoted to the production of cotton on the farm in such year but seeded prior to such year, excluding any acreage in excess of the farm allotment which (i) is destroyed by causes beyond the producer's control prior to expiration of the period established under applicable regulations for disposing of excess cotton acreage or (ii) is disposed of in accordance with applicable regulations pertaining to the disposal of excess cotton acreage.

(4) "Normal yield" for any year means the average yield per harvested acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year, actual yield data are not available or there was no actual yield, the normal yield for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. In the case of new cotton farms, the county committee may also take into consideration the normal yields of other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton. The determination made by the county committee under this subparagraph shall be subject to the approval of a representative of the State committee.

(5) "Normal production" of any number of acres for a crop year means the normal yield of lint cotton per acre for the farm for such year multiplied by such number of acres.

(6) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in the crop year. Cotton will be considered to have been produced in the crop year in which the acreage from which it was produced was planted.

(7) "Actual yield" per acre for a crop year means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm in such year by the acreage planted to cotton on the farm in such year.

(8) "Farm marketing quota" for a crop year means a cotton marketing quota established for the farm for such year under § 722.9.

(9) "Farm marketing excess" for a crop year means the amount of cotton determined for the farm for such year under § 722.10 or § 722.12, whichever is applicable.

(10) "Farm with no farm marketing excess" for a crop year means a farm on which the acreage planted to cotton in

such year is not in excess of the farm allotment for such year.

(11) "Farm with a farm marketing excess" for a crop year means a farm on which the acreage planted to cotton in such year is in excess of the farm allotment for such year.

(12) "Producer" means a person on a farm who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper, is entitled to all or a share of the cotton produced thereon during the year in which the cotton is planted (or cotton on hand from a prior crop) or the proceeds thereof.

(13) "Owner or landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(14) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a fixed amount of cotton to be paid as rent.

(15) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the cotton or of the proceeds thereof.

(16) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the cotton or of the proceeds thereof.

(c) *Terms relating to harvesting and marketing.* (1) "Harvest" means the act of extracting seed cotton from the cotton plant by manual or mechanical means or grazing by livestock.

(2) "Harvested" and "harvesting" shall have corresponding meanings to the term "harvest" in the connection in which they are used. Salvage operations shall be considered as harvesting.

(3) "Available for harvest" means the stage of maturity when bolls are sufficiently open to permit harvest.

(4) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in exchange for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(5) "Marketing year" means the period beginning August 1 of a crop year and ending July 31 of the following year, both dates inclusive.

(6) "Buyer" means a person who acquires cotton from a producer by purchase, including transferees and all persons who acquire title to cotton from producers. A person acting as a purchasing agency pursuant to a Cotton Purchasing Agency Agreement with Commodity Credit Corporation shall be deemed to be a "buyer" with respect to any cotton acquired by such purchasing agency which is subject to marketing quotas as provided in § 722.8. Also, an agricultural cooperative association which makes purchase and sale agreements with producers, or marketing agreements under which the title to cotton passes upon delivery of cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.8.

(7) "Transferee" means a person who receives cotton from a producer by barter or exchange, or by gift inter vivos.

(8) "Ginner" means a person engaged in the business of ginning cotton.

(9) "Ginning" means the process by which lint cotton is removed from the cotton seed.

(10) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(11) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of cotton.

§ 722.3 Issuance of forms and instructions.

Forms and instructions with respect to internal management necessary for carrying out §§ 722.1 to 722.51 shall be prepared under the direction of the director and shall be issued by the deputy administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the director.

§ 722.4 Extent of calculations and rule of fractions.

In making any computation in connection with §§ 722.1 to 722.51, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped.

Identification and Measurement of Farms

§ 722.5 Identification of farms.

Each farm as operated for a crop year shall be identified by a farm serial number and all records pertaining to marketing quotas for such crop year and farm shall be identified by the farm serial number.

§ 722.6 Measurement of farms.

The county committee shall provide for measurement each crop year of the acreage planted to cotton on farms in accordance with Part 718 of this chapter (24 F.R. 4223), as amended.

§ 722.7 Reports and records of farm measurements.

The county committee shall keep a record for each crop year of the measurements made on all farms. It shall file with the State office a written report for each crop year on Form MQ–94—Cotton (Upland) setting forth for each farm with a farm marketing excess the following: (a) Farm serial number, (b) name of operator, (c) farm allotment, (d) acreage planted to cotton, and (e) total cropland.

Farm Marketing Quota and Farm Marketing Excess

§ 722.8 Cotton subject to marketing quota provisions.

Marketing quotas for each crop of cotton shall be applicable to any cotton of that crop notwithstanding that the cotton may be available for marketing prior to or subsequent to the marketing year which begins in the year when the cotton is planted. Carryover cotton marketed during any marketing year shall be subject to §§ 722.1 to 722.51 to the extent applicable.

§ 722.9 Farm marketing quotas.

The farm marketing quota for each crop year for any farm shall be that number of pounds of lint cotton produced on the farm less the amount of the farm marketing excess for such crop year. In addition, lint cotton which producers have on hand from any previous crop (except cotton on which a penalty was incurred and has not been paid) may also, when properly identified, be marketed penalty free.

§ 722.10 Amount of farm marketing excess.

The farm marketing excess for each crop year shall be the normal production of the acreage planted to cotton on the farm in excess of the farm allotment for such crop year. For a farm having a zero allotment or no allotment, the entire acreage planted to cotton shall be used in determining the farm marketing excess for such crop year. Where it is established to the satisfaction of the county committee, by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.12 that the actual production of cotton on the farm in a crop year is less than the normal production of the acreage planted to cotton on the farm in such crop year, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm allotment.

§ 722.11 Notice of farm marketing quota and farm marketing excess.

Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm

for any crop year shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the cotton produced or to be produced on the farm in such crop year. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.12 Farm marketing excess adjustment.

(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in any crop year on a farm with a farm marketing excess may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest of such cotton crop is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15 of the year following the year in which the cotton was planted. If the harvesting of cotton on the farm has not been completed by March 15 of the year following the year in which the cotton was planted but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm for such crop year may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no cotton has been or will be produced on a farm with a farm marketing excess for the year for which such farm marketing excess is determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. Official measurement of the cotton acreage on the farm for the crop year in question must have been made before the county committee approves a determination of the actual production of cotton on the farm. The actual production of cotton in such crop year on any farm shall be determined in view of the relevant facts, including the measured acreage planted to cotton in such crop year on the farm, the past production on the farm, the actual yields per acre in such crop year for other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, ginning, and sales of the cotton produced on the farm in such crop year; and weather conditions and other factors in such crop year affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with any other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for consideration of the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. The determination made by the county committee under this paragraph shall be subject to approval by a representative of the State committee. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(c) *Application for adjustment in the farm marketing excess in cases where the initial notice of farm marketing excess mailed after thirty days prior to expiration of filing period established under paragraph (a) of this section.* Notwithstanding the provisions of paragraph (a) of this section, in any case where the initial notice of farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the expiration date for filing application for the crop year under paragraph (a) of this section, any producer having an interest in the cotton produced on the farm in such crop year may apply in writing to the county committee for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in such crop year on the farm. Any such application shall be filed with the county committee not later than thirty days after the date of mailing of such notice of farm marketing excess to the farm operator. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered and acted upon in the order in which applications are made. Unless application for an adjustment in the farm marketing excess in cases arising under this paragraph is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.10 shall be final as to the producers on the farm. The procedures provided in paragraph (b) of this section shall be followed to the extent practicable in cases arising under this paragraph.

§ 722.13 Publication of the farm allotment, normal yield, marketing quota, and marketing excess.

A record of the farm allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be kept readily available in the office of the county committee for public inspection for a period of not less than 30 calendar days. At the end of such period, the records shall be filed in the office of the county committee and remain readily available for further public inspection. Copies of notices, or other compilations upon which the pertinent data are shown may be used for this purpose.

§ 722.14 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to

any other farm except as specifically provided in the applicable acreage allotment regulations for release and reapportionment pursuant to section 344 of the act and transfer of allotments pursuant to section 378 of the act. Under sections 345 and 347 of the act, farm marketing quotas are established for each crop year for both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.8 to 722.16 for a crop of upland cotton may not be used in whole or in part in connection with the marketing of extra long staple cotton.

§ 722.15 Successors-in-interest.

Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, including a farm on which cotton was planted in a crop year but for which a farm cotton allotment was not established for such crop year, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton.

§ 722.16 Review of quotas.

(a) *Review committee.* Any producer who is dissatisfied with the farm marketing quota and farm marketing excess determined for his farm may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.11 or § 722.12, have such farm marketing quota and farm marketing excess reviewed by a review committee pursuant to section 363 of the act. Unless such application is made within such 15 days, the determination of the county committee shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee. If a determination of the county committee for the crop year, as for example, the farm allotment, has previously been reviewed by a review committee, and such determination as approved by the review committee has become final under the Marketing Quota Review Regulations, it may not be reconsidered in a subsequent review proceeding concerning the farm marketing quota and farm marketing excess. In all cases, the review committee shall consider only such matters as, under the applicable provisions of the act and the applicable regulations in this part, are required or permitted to be considered by the county committee in determining the farm marketing quota or farm marketing excess.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.17 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section the operator and any producer on a farm, or an official of a publicly owned agricultural experiment station, shall be eligible to receive a marketing card for each crop of cotton if for such crop (1) no farm marketing excess is determined for the farm or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer for the county in which the farm is located, except that a marketing card shall not be issued under item (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in previous crop years on which the penalty was incurred and has not been paid. For the 1960 crop year an eligible producer interested in the cotton production on a Choice (A) allotment farm shall be eligible to receive a marketing card, identified as Form MQ–76–A Upland Cotton, for such farm and an eligible producer interested in the cotton production on a Choice (B) allotment farm shall be eligible to receive a marketing card, identified as Form MQ–76–B Upland Cotton, for such farm: *Provided, however,* That an eligible producer interested in the cotton production on either a Choice (A) allotment farm or a Choice (B) allotment farm who is not eligible for price support or who is eligible for price support only upon approval of the price support documents by the county committee shall be eligible to receive only a marketing card identified as Form MQ–76–R Upland Cotton.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a cotton producer on more than one farm in a county in a crop year shall not be eligible to receive a marketing card for any such farm in the county for such crop year until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, if the county office manager determines that such issuance will serve a useful purpose. Any producer may be denied a marketing card if the county committee determines that, in order to enforce the provisions of the act, such producers should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of cotton in more than one county in the same year (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed in such year with respect to all such farms, wherever situated, to the extent deemed necessary by the respective county committees to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card for a crop year if it determines that such action is necessary to enforce the provisions of the act in such crop year.

(d) *Preparation and issuance of marketing cards to producers.* A marketing card shall be issued to the operator of the farm for any year if he is eligible to receive it under the foregoing provisions of this section unless the operator is not a producer, in such case the card will be issued only on the request of the operator and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards for such year shall also be issued to other eligible producers on the farm. Each serially numbered marketing card when completed shall show: (1) The State and county code and farm serial number; (2) the name and address of the farm operator or other eligible producer; (3) the name and address of the county office; and (4) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature.

(e) *Designation of agent to use marketing card.* If a producer designates a person who is not a producer on the farm as agent to use his marketing card, he shall submit and file with the county committee a power of attorney covering such designation. It shall be the duty of the buyer to ascertain that such a power of attorney is on file before acquiring cotton from any purported agent of the producer.

(f) *Preparation and issuance of marketing cards to experiment station officials.* The county office manager shall, upon the written application of a responsible official of any publicly owned agricultural experiment station having cotton exempt from the penalty as provided in the applicable acreage allotment regulations, issue a marketing card for such experiment station.

§ 722.18 Marketing certificates and loan documents.

(a) *Use of marketing certificates.* A marketing certificate (Form MQ–91—Cotton (Upland)) shall be issued to a producer upon his request to permit the marketing of cotton (1) by any such producer (i) who has an unexpired market-

ing card for use in identifying the cotton to be marketed or is eligible to receive such a marketing card and who desires to market such cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who desires to market cotton which he has on hand from any prior crop, except cotton from a previous crop on which the penalty was incurred and has not been paid; (iii) who desires to market cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.17(b) because he or another producer on such farm is also a cotton producer on a farm with a farm marketing excess and the penalty has not been paid; or (iv) who desires to market his share of the cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.24. In instances where the acreage planted to cotton on the farm has not been determined through no fault of the operator, and he, in applying for marketing certificates, certifies that he has cotton produced in that crop year available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm allotment, the county committee or the county office manager may issue marketing certificates for his farm in a total amount not exceeding the product of the farm allotment for that crop year multiplied by the smaller of the county normal yield per acre for that crop year or the estimated actual yield per acre for such crop year on the farm. Also, certificates shall be issued in any case where a person has loose cotton such as field scrap cotton, sample trimmings, floor sweepings, and cotton picked up from the roadside provided that such person establishes to the satisfaction of the county committee that such cotton was acquired through normal off-farm handling or trade customs, was field scrap cotton, was waste cotton picked up on the roadside or similar location, or was acquired in some other similar manner.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the county and State and the farm serial number, (3) the serial number of the marketing card issued for the farm, where applicable, and the crop year in which the cotton was produced, (4) the description and amount of the cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) either (i) the actual or facsimile signature of the county office manager or a member of the county committee, or (ii) the name of the county office manager as written by an employee of the county office. A facsimile signature may be affixed by the person whose name is being affixed or by an employee of the county office. Where the name of the issuing officer is affixed by an employee of the county office, a record shall be kept in the county office of the name of the person who so affixed the signature. The county committee shall, for each crop year, estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued in an amount in excess of such production as estimated or otherwise determined by the county committee. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the cotton described in the marketing certificate shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carryover CCC loan cotton.* Any producer who desires to sell his equity in carryover cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over cotton on which such a loan has been repaid may, as provided in § 722.24, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.19 Lost, destroyed, or stolen marketing cards or marketing certificates.

(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings by county office manager and county committee.* If the county office manager finds that an unexpired marketing card or certificate issued to a producer has been lost, destroyed, or stolen, he shall investigate to determine whether there has been any collusion or connivance on the part of the producer to or for whom the markeing card or certificate was issued to fraudulently obtain a second marketing card or certificate. If investigation discloses no evidence of collusion or connivance, a replacement marketing card or certificate may be issued to the producer by the county office manager and a notice in writing canceling the lost, destroyed, or stolen marketing card or certificate shall be signed by the county office manager and mailed to the last known address of such producer. Where circumstances appear to warrant investigation by the county committee before a replacement marketing card or certificate is issued, the case should be referred to the county committee for a determination as to the action to be taken. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case the lost, destroyed, or stolen marketing card or certificate is not recovered promptly, the county office manager shall notify the ginner-buyers, buyers, Commodity Credit Corporation loan clerks, and Commodity Credit Corporation purchasing agencies in the county or in the immediate market area that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager and of any action by the county committee shall be kept among the county office records. Any person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.20 Cancellation of marketing cards and marketing certificates.

(a) *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled". Without awaiting its return, the county office manager shall notify the producer in writing at his last known address that it is void and of no effect. The county office manager shall notify the ginner-buyers, buyers, Commodity Credit Corporation loan clerks, and Commodity Credit Corporation purchasing agencies in the county, or in the immediate market area that the marketing card or certificate has been canceled. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office.

(b) *Cancellation of marketing cards which may be misused.* In the event the county committee determines that a marketing card has been, or will be, misused such marketing card shall be canceled and the producer to whom it was issued shall be so notified and requested to return it to the county office. Without awaiting its return, the county office manager shall notify the ginner-buyers, buyers, Commodity Credit Corporation loan clerks, and Commodity Credit Corporation purchasing agencies in the county, or in the immediate market area that the marketing card has been canceled. A copy of the notice of cancellation, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. Any producer whose marketing card is canceled under this provision shall, upon his request, be issued marketing certificates in accordance with § 722.18(a).

IDENTIFICATION OF COTTON

§ 722.21 Time and manner of identification.

Each producer of cotton may, at the time he markets any cotton, identify the cotton to the buyer or transferee, in the manner hereinafter provided, as not subject to the penalty provided in § 722.26 and the lien for the penalty as provided in § 722.27 and any such cotton not so identified shall be taken as being subject to the penalty and the lien for the penalty as provided in § 722.25.

§ 722.22 Identification by marketing card.

A marketing card (Form MQ–76–A Upland Cotton, Form MQ–76–B Upland Cotton, or Form MQ–76–R Upland Cotton) shall, when presented to the buyer or transferee by the producer to whom issued, or any other eligible producer on the farm, be evidence to the buyer or transferee that the cotton produced on the farm in the crop year for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.23 Identification by marketing certificate.

A marketing certificate (Form MQ–91—Cotton (Upland)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.24 Identification by loan document.

A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carryover cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.25 Cotton not identified by a marketing card, marketing certificate or loan document.

All cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.22, § 722.23, or § 722.24 shall be presumed to be subject to penalty and lien for the penalty and shall be taken by the buyer or transferee thereof as subject to penalty at the rate prescribed in § 722.26 and to the lien for the penalty. All cotton purchased or acquired by a person which is not identified by a marketing card, marketing certificate, or loan document shall be presumed to have been marketed by a producer unless it is established that such cotton was purchased or acquired from a person other than the producer thereof. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton (Upland) and shall remit to the county committee treasurer the penalty collected, or deducted from the purchase price of the cotton.

PENALTY

§ 722.26 Rate of penalty.

The rate of penalty for lint cotton is 50 percent of the parity price for cotton as of June 15 of the year in which the cotton is planted, as provided in section 346(a) of the act. Section 722.51 will be amended annually to set forth the exact rate of the penalty for each crop year.

§ 722.27 Lien for the penalty.

Until the penalty on the farm marketing excess for any crop year is paid, all cotton produced on the farm in such crop year and marketed shall be subject to the penalty at the rate prescribed in § 722.26 and a lien on such entire crop of cotton produced on the farm shall be in effect in favor of the United States.

§ 722.28 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.29 (b), (d), or § 722.30(c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.29 Payment of penalty by producers.

(a) *Producer liable for payment of penalty.* Each producer having an interest in the crop of cotton on any farm produced in a crop year for which a farm marketing excess has been determined shall be liable for the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested or is available for harvest. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15 of the year following the year in which the cotton was planted, even though the cotton is not harvested: *Provided, however,* That the penalty on any bale or lot of cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.22, § 722.23 or § 722.24, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the cotton produced on the farm in the crop year bears to the total amount of cotton produced on the farm in such crop year. When the producer pays his proportionate share of the penalty, he shall be entitled to receive marketing certificates issued in accordance with § 722.18 for his share of the cotton crop produced on the farm in such crop year: *Provided, however,* That the producer shall remain liable for the remainder of the penalty on the farm marketing excess, notwithstanding any apportionment under this paragraph.

(d) *Time when penalty becomes due in cases where the initial notice of farm marketing quota and farm marketing excess mailed after thirty days prior to time when penalty would become due under paragraph (b) of this section.* Notwithstanding the provisions of paragraph (b) of this section, in any case where the initial notice of farm marketing quota and farm marketing excess is mailed to the farm operator any time after a date which is thirty days prior to the time when penalty would become due under paragraph (b) of this section, the penalty on the farm marketing excess shall become due thirty days after mailing of such notice of farm marketing quota and farm marketing excess to the farm operator.

§ 722.30 Payment of penalty by buyers and transferees.

(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States who buys or acquires from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Cotton shall be presumed to be subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76–A Upland Cotton, Form MQ–76–B Upland Cotton, or Form MQ–76–R Upland Cotton), a marketing certificate (Form MQ–

91—Cotton (Upland)), or a loan document as provided in §§ 722.22, 722.23, and 722.24.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the cotton is marketed and shall be remitted not later than seven calendar days next suceeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted which shall be on Form MQ-82—Cotton (Upland).

§ 722.31 Remittance of penalty to the county committee treasurer.

The county committee treasurer for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty as required by established fiscal procedure. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of Commodity Stabilization Service, U.S.D.A. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the county committee treasurer subject to collection and payment at par.

§ 722.32 Deposit of funds.

All funds received by the county committee treasurer in connection with penalties for cotton shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the county committee treasurer shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to Commodity Stabilization Service, U.S.D.A., and transmit such check to the State committee. The county committee treasurer shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the cotton in connection with which the funds were remitted.

§ 722.33 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee and the county committee treasurer, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the cotton or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the county committee treasurer shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.34 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever a claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to cotton is duly filed in accordance with section 372 of the act and the regulations pertaining to Refunds of Penalties Erroneously, Illegally, or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas (§§ 714.21 to 714.28 of this chapter; 13 F.R. 6210, Oct. 22, 1948; 19 F.R. 395, Jan. 22, 1954), as amended, and a determination is duly made that a part or all of the penalty was erroneously, illegally, or wrongfully collected, a refund of such penalty or part thereof shall be made as provided in the regulations pertaining to refunds of penalties (§§ 714.21 to 714.28 of this chapter).

§ 722.35 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.1 to 722.51 to the county committee treasurer when collected. The State administrative officer shall report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties as provided in section 376 of the act.

Record and Reports

§ 722.36 Records to be kept and reports to be made by ginners.

(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373(a) of the act, keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Ginner's record of cotton ginned.* Each ginner shall keep, for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record showing with respect to each bale, and each lot of cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the name and address of the person who delivered the cotton to the gin in those cases where the ginner has doubt as to the accuracy of the name of the farm operator or producer of the cotton as furnished; (5) the county and State in which the farm on which the cotton was produced is located; (6) the gin bale number or mark or other identification; (7) the serial number of the gin ticket or receipt prepared or issued by the ginner; and (8) the gross weight of

each bale of cotton and the net weight of each lot of lint cotton less than a bale ginned by the ginner.

(c) *Requests for reports.* Each ginner, upon written request of the State committee, State administrative officer, or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee, State administrative officer, or county committee in the written request for such report.

(d) *Manner of submitting reports.* The county committee treasurer designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

§ 722.37 Records to be kept and reports to be made by buyers.

(a) *Necessity for records and reports.* Each person who buys or acquires seed cotton or lint cotton from the producer thereof, in conformity with section 373 (a) of the act, shall keep the records and make the reports prescribed by this section which the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of records.* Each buyer shall keep for each crop year, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and in the case of seed cotton purchased, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of lint cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.1 to 722.51 and the amount of penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the cotton was not identified in the manner provided in §§ 722.1 to 722.51 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records as required by this paragraph. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton (Upland) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with marketing of cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of cotton which is not identified by a marketing card, marketing certificate or loan document, as provided in §§ 722.22, 722.23 and 722.24 when marketed by a producer shall, with respect to each such purchase, make a written report on Form MQ–82—Cotton (Upland) of the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's Copy" shall be delivered to the producer, the "Buyer's Copy" shall be retained by the buyer and the buyer shall mail or deliver the "County Office Copy" to the county committee treasurer for the county in which such cotton was produced.

(d) *Reports in connection with cotton identified by marketing certificates.* The buyer of cotton which is identified, when marketed, by a marketing certificate, Form MQ–91—Cotton (Upland), as provided in § 722.23, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County Office Copy" to the county committee treasurer for the county in which such certificate was issued. The "Buyer's Copy" shall be retained by the buyer and the "Producer's Copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.42(b).

(e) *Receipts to producers for penalties.* Where the cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing, the "Producer's Copy" of the executed Form MQ–82—Cotton (Upland) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County Office Copy" of Form MQ–82—Cotton (Upland) to the county committee treasurer for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, the State committee, or State administrative officer has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.1 to 722.51, the buyer shall, within fifteen days after a written request therefor by either the county committee, State committee, or State administrative officer is sent to him by certified mail at his last known address, make a report verified as true and correct on Form MQ–100—Cotton (Upland) to the designated county committee treasurer with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer: (1) the name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.1 to 722.51 and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if the cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The county committee treasurer for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (Upland) in connection with the purchase of cotton marketed without the use of the means of identification provided by §§ 722.1 to 722.51 may be mailed or delivered directly to the county committee treasurer from whom the blank copy of the form was obtained.

§ 722.38 Records to be kept and reports to be made by transferees.

Each transferee who acquires seed cotton or lint cotton from the producer

thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.37. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.39 Records to be kept by warehousemen, processors, and others.

Each warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act, who stores, processes (including compressing), transports as a common carrier or otherwise deals with cotton from, for, or on behalf of the producer thereof shall for each crop year keep the records relating to such cotton which are normally kept by persons engaged in the same or similar business. The Secretary hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.40 Availability of records kept by ginners, buyers, transferees, warehousemen, and others.

Each ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person as defined in section 373(a) of the act, who gins, buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1 to 722.51 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1 to 722.51 but not so furnished. The records to be kept pursuant to the provisions of §§ 722.36, 722.37, 722.38 and 722.39 shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31 of the second year following the year in which the cotton is planted, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1 to 722.51 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1 to 722.51 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or by the director.

§ 722.41 Penalty for failure or refusal to keep records or make reports.

Any ginner, buyer, transferee, warehouseman, processor (including compressman), common carrier, or other person, as defined in section 373(a) of the act who gins, buys, acquires, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof who fails to keep the records, make the reports as required by § 722.36, § 722.37, § 722.38, or § 722.39 or who makes any false report or false record shall, as provided for in section 373(a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 722.42 Records to be kept and reports to be made by producers.

(a) *Necessity for records and reports.* Each person who produces or who has produced in any crop year, cotton which is subject to the provisions of §§ 722.1 to 722.51 shall, in conformity with section 373(b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act. The records required to be kept pursuant to this section shall be kept until December 31 of the second year following the year in which the cotton is planted, or for such longer period of time as may be requested in writing by the State administrative officer or by the director.

(b) *Cotton marketed to persons not within the United States.* In each case where cotton for which a marketing certificate has been issued pursuant to § 722.18 is marketed to any person not within the United States the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "Producer's Copy" of the certificate. Not later than 15 calendar days next succeeding the day on which the cotton was marketed the "County Office Copy" and the "Buyer's Copy" shall be mailed or delivered by such producer to the county committee treasurer for the county in which the certificate was issued.

(c) *Farm operator's report.* The operator of the farm shall file with the county committee treasurer for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (Upland) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.12 except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.1 to 722.51 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (Upland), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (Upland) shall show for the farm the following information or any part thereof as specified in such request for a specified crop year: (i) The date harvesting of the crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm, and the acreage planted to cotton on the farm; (ii) the total number of pounds of lint cotton ginned from the crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of seed cotton of the crop marketed; (v) the total amount of lint cotton of the crop marketed; (vi) the amount of unmarketed cotton of the crop on hand; (vii) the total number of pounds of lint cotton produced from such crop; (viii) the name and address of each buyer or transferee of such crop lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The county committee treasurer for the county in which the cotton covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.43 Data to be kept confidential.

Except as provided in § 722.48 all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.36 to 722.40, inclusive, and § 722.42 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.44 Enforcement.

The county office manager shall report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.1 to 722.51 and so to report each case of making any false report or record. The State administrative officer shall report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the deputy administrator, with a view to the institution of proceedings by the United States Attorney for the

appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.45 Cotton produced by publicly owned agricultural experiment stations.

The conditions under which cotton produced by publicly owned agricultural experiment stations shall be exempted from penalty shall be determined pursuant to applicable acreage allotment regulations.

§ 722.46 Revision of county committee determinations and erroneous notices.

(a) *Revision of determinations.* In any case where a determination of the county committee under §§ 722.1 to 722.51 is found to be in error, the county committee on its own motion or upon request of a representative of the State office, shall revise such determinations.

(b) *Erroneous notice of cotton allotment.* In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of cotton customarily planted; and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State administrative officer. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.47.

(c) *Erroneous notice of planted acreage.* In any case where it is discovered after all the cotton acreage on the farm has been picked one or more times that the farm operator was officially notified in writing through error of an acreage planted to cotton which is less than the acreage actually planted but the acreage actually planted is in excess of the farm allotment, the county committee shall determine whether or not the following conditions are met:

(1) The lack of compliance was caused by reliance in good faith by the farm operator on an erroneous official notice of measured acreage.

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations.

(3) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording the cotton acreage for upland cotton for the farm.

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error.

(5) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

If the county committee determines that all five of the conditions are met, and the State administrative officer concurs upon review of the county committee determination, the acreage planted to cotton on the farm will be considered as an acreage equal to the farm allotment.

§ 722.47 No credit for overplanting the farm allotment.

Any acreage planted to cotton in any crop year in excess of the farm allotment for such crop of cotton shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of cotton.

§ 722.48 Availability of records.

The State and county committee shall make available for inspection by owners or operators of farms receiving cotton allotments all records pertaining to cotton allotments and marketing quotas.

§ 722.49 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.36 to 722.40, relating to the examination of records, the deputy administrator is hereby authorized and directed to designate in writing with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions. In addition, investigators and accountants (special agents), Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U.S.C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.1 to 722.51.

§ 722.50 County normal yields for each crop year.

This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.2(d) (8).

§ 722.51 Penalty rate for each crop year.

This section will be amended annually to establish the penalty rate for each crop year pursuant to § 722.26.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 3d day of June 1960.

ANDREW J. MAIR,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-5249; Filed, June 8, 1960; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

§ 936.641 Elberta Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CRF Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 13, 1960. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate informa-

tion thereon was not available to the Elberta Peach Commodity Committee until May 20, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 20, 1960, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such peaches are expected to begin on or about June 13, 1960, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 13, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U.S. No. 1 grade: *Provided,* That with respect to ripe Elberta peaches, a tolerance of 10 percent, by count, for bruises not causing serious damage is allowed in addition to the tolerances provided for such U.S. No. 1 grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any package or container of Elberta peaches containing more than one peach which is immature: *Provided,* That no lot of packages or containers of Elberta peaches may be shipped if more than one-half of one percent, by count, of the peaches in the lot are immature; or

(iv) Any package or container of Elberta peaches unless at least 85 percent of the Elberta peaches contained in such package or container measured not less than 2⅜ inches in diameter: *Provided,* That, Elberta peaches (*a*) when packed in a 12B California peach box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box, or (*b*) when packed in either a No. 26 standard lug box or a No. 27 standard lug box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement: *And provided, further,* That for the purpose of determining whether ripe Elberta peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5228; Filed, June 8, 1960; 8:49 a.m.]

[Nectarine Order 5]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.321 Nectarine Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 13, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any package or container of Early Le Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to

51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 6, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–5246; Filed, June 8, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 418; Reg. SR–440]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Occupancy of Forward Observer's Seat During En Route Inspection

Sections 40.22, 41.5 and 42.8 of the Civil Air Regulations contain provisions which make it mandatory to permit an authorized representative of the Federal Aviation Agency at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the Federal Aviation Act of 1958, and the Civil Air Regulations. Similar inspection provisions have existed without interruption since the regulation of civil aviation by the former Aeronautics Branch, U.S. Department of Commerce, which provided in its regulations that the "owner, operating agency, or pilot" was required to give Federal inspectors "free and uninterrupted access to the aircraft" while conducting government inspections.

Historically, the required government inspections of air carrier operations known as en route inspections have been conducted from a seat or station on the flight deck of the aircraft which permits the inspector to observe the operation of the aircraft by the flight crew members at their respective stations. This was done for the obvious reason that an inspection conducted from a location which would not permit observation of the operation would be essentially futile. As a result of this well established and accepted practice, it has been unnecessary for the Federal Aviation Agency or its predecessor agencies to further prescribe by regulatory action the authority of the inspector to occupy such seat in the conduct of his required en route inspections.

With the introduction into service of new type turbo jet airplanes two observers' seats were made available for use on the flight deck of such airplanes, in addition to those required for the minimum flight crew. In some of these airplanes one of these seats, the forward observer's seat, is located directly behind that occupied by the pilot-in-command and permits FAA inspectors while occupying such seat to observe the operation of the airplane by the flight crew members. The location of the second observer's seat, however, does not permit such observation.

By agreement entered into between the Air Line Pilots Association and certain air carriers, an additional pilot flight crew member has been assigned to assist the pilot-in-command in the operation of turbo jet airplanes. This agreement was entered into notwithstanding the fact that such airplanes were certificated for safe operation by the FAA with a minimum flight crew of two pilots and a flight engineer. Moreover, these airplanes are still being operated safely with such a flight crew complement by all of the other air carriers not parties to such an agreement. The Air Line Pilots Association has now advised the FAA that under the provisions of this agreement it has decided that the forward observer's seat must be occupied by the additional pilot flight crew member or the airplane will not be operated by its members—even during en route inspections. In support of this decision, resolutions have been entered into by the Master Executive Council of the pilots of the air carriers which are parties to such agreements directing its members not to operate turbo jet airplanes for en route inspections, when the forward observer's seat is occupied by the FAA inspector instead of the additional third pilot.

Pursuant to such agreements and resolutions, the pilots of one of the air carriers have now refused to operate turbo jet airplanes which were scheduled for en route inspections by authorized representatives of the Administrator occupying the forward observers' seats. Such overt acts by the pilots involved have created a situation which requires immediate corrective action. The statutory safety responsibilities of the Federal Aviation Agency can not be derogated by the provisions of agreements between the pilots and the air carriers, or by unilateral resolutions of the pilots and their associations purporting to implement such agreements. In the exercise and performance of their statutory responsibilities, FAA inspectors conducting en route inspections must be provided with a seat in the cockpit from which they are able properly to discharge such responsibilities. This requirement is both obvious and fundamental for the conduct of inspections which will assure the highest degree of safety in the fast growing system of air transportation.

Because of the emergency nature of the situation, I find that compliance with the notice, procedures and effective date provisions of the Administrative Procedure Act would be impracticable and impede the due and timely execution of the functions of the Federal Aviation Agency.

In consideration of the foregoing this emergency Special Civil Air Regulation is adopted to make clear that the authorized representatives of the Administrator must be given full and uninterrupted access to the aircraft, including a suitable seat on the flight deck, as determined by the Administrator, for the proper performance and discharge of their en route inspection duties. This regulation is declaratory of a long standing practice and makes explicit, with respect to certain aircraft, the location of such seat.

The following Special Civil Air Regulation is hereby adopted to become effective immediately.

Each air carrier shall make available a seat on the flight deck of each aircraft used by it in air transportation for occupancy by an authorized representative of the Administrator while conducting en route inspections. The location and equipment of such seat, in respect to its suitability for use in conducting en route inspections, shall be as required by the Administrator or his representative. In all Boeing 707's, Douglas DC–8's, and other types of aircraft having more than one observer's seat in excess of that required for the crew complement for which the aircraft was certificated, the forward observer's seat shall be made available to such representative.

(Secs. 313(a), 601, 604 and 609; 72 Stat. 752, 775, 778, 779; 49 U.S.C. 1354(a), 1421, 1424, 1429)

Issued in Washington, D.C., on June 7, 1960.

ARVIN O. BASNIGHT,
Acting Administrator.

[F.R. Doc. 60–5299; Filed, June 8, 1960; 9:56 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–KC–54]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On March 1, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1801) stating that the Federal Aviation Agency was proposing to modify the segments of VOR Federal airway No. 38 and VOR Federal airway No. 1510 from Moline, Ill., to Joliet, Ill.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore,

pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.6038 (24 F.R. 10510; 25 F.R. 3576), "INT of the Moline VOR 081° and the Joliet VOR 265° radials;" is deleted.

2. In the text of § 600.6610 (24 F.R. 10528), "INT of the Moline VOR 081° and the Joliet VOR 265° radials;" is deleted.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5203; Filed, June 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-18]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1961) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 102 in its entirety, together with its associated control areas and designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.302 *Red Federal airway No. 102 (Lexington, Ky., to Huntington, W. Va.)* is revoked.

2. Section 601.302 *Red Federal airway No. 102 control areas (Lexington, Ky., to Huntington, W. Va.)* is revoked.

3. Section 601.4302 *Red Federal airway No. 102 (Lexington, Ky., to Huntington, W. Va.)* is revoked.

This amendment shall become effective 0001 e.s.t. October 20, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5204; Filed, June 8, 1960; 8:45 a.m.]

[Airspace Docket No. 60-NY-21]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On March 12, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2109) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 18 in its entirety, together with its associated control areas and designated reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended as follows:

1. Section 600.218 *Red Federal airway No. 18 (Indianapolis, Ind., to Washington, D.C.)* is revoked.

2. Section 601.218 *Red Federal airway No. 18 control areas (Indianapolis, Ind., to Washington, D.C.)* is revoked.

3. Section 601.4218 *Red Federal airway No. 18 (Indianapolis, Ind., to Washington, D.C.)* is revoked.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5205; Filed, June 8, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-229]

PART 608—RESTRICTED AREAS

Modification of Restricted Area/Military Climb Corridor

On November 13, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9242) stating that the Federal Aviation Agency was considering an amendment to § 608.28 of the regulations of the Administrator which would modify the upper altitude limits of the Camp Springs (Andrews AFB), Md., Restricted Area/Military Climb Corridor (R-542).

As stated in the notice, the present Andrews AFB climb corridor extends from a point 5 statute miles northeast of the airbase on the 053° True radial of the Andrews AFB TVOR to a point 32 statute miles northeast of the airbase. The lower altitude limits extend in graduated steps from 2,280 feet MSL to 19,280 feet MSL. The upper altitude limits extend from 10,280 feet MSL to 27,000 feet MSL. The upper altitude limits of the present Andrews AFB Restricted Area/Military Climb Corridor will not contain later models of the Century series aircraft due to the ability of the aircraft to reach high speeds and a high rate of climb in a short time after takeoff. Accordingly, to provide protection for the air defense Century series aircraft and other aircraft operating in the vicinity of the airbase, the Federal Aviation Agency is raising the upper altitude limits of the Restricted Area/Military Climb Corridor. This action will result in the upper altitude limits of the Andrews AFB climb corridor extending from 15,280 feet MSL to 27,000 feet MSL.

No adverse comments were received regarding the proposed amendment. However, the Aircraft Owners and Pilots Association/National Aviation Trades Association Airspace Representative requested that consideration be given to raising the floor of the corridor in the steps from 6 to 7 and from 7 to 10 statute miles from the airbase. The Federal Aviation Agency has coordinated this recommendation with the Department of the Air Force. The Air Force has indicated a requirement to maintain the present configuration of the climb corridors due to aircraft operating characteristics.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the following action is taken:

In § 608.28 *Maryland,* Camp Springs, Md. (Andrews AFB) Restricted Area/Military Climb Corridor (R-542) (Washington Chart) (23 F.R. 9134) is amended to read:

Description. That area based on the 053° True radial of the Andrews AFB TVOR, beginning 5 statute miles NE of the airbase and extending 32 statute miles NE of the airbase, having a width of 1 statute mile SE and 2.3 statute miles NW of the 053° True radial at the beginning and a width of 2.3 statute miles on each side of the 053° True radial at the outer extremity.

Designated altitudes. 2,280' MSL to 15,280' MSL from 5 statute miles NE of the airbase to 6 statute miles NE of the airbase. 2,280' MSL to 24,280' MSL from 6 to 7 statute miles NE of the airbase. 2,280' MSL to 27,000' MSL from 7 to 10 statute miles NE of the airbase. 6,280' MSL to 27,000' MSL from 10 to 15 statute miles NE of the airbase. 10,280' MSL

to 27,000' MSL from 15 to 20 statute miles NE of the airbase. 15,280' MSL to 27,000' MSL from 20 to 25 statute miles NE of the airbase. 19,280' MSL to 27,000' MSL from 25 to 32 statute miles NE of the airbase.

Time of designation. Continuous.

Controlling agency. Andrews AFB Approach Control.

This amendment shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 2, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5206; Filed, June 8, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7530]

PART 13—PROHIBITED TRADE PRACTICES

Kitty Lefin and Kitty Lefin Fur House

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30-30 *Fur Products Labeling Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(a) *Maker or seller;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Kitty Lefin Fur House, Schenectady, N.Y., Docket 7530, April 2, 1960]

The complaint in this case charged a retail furrier in Schenectady, N.Y., with violating the Fur Products Labeling Act by removing required labels after sale of fur products but before delivery to customers; by failing to name the animal producing certain furs or the country of origin, on labels, invoices, and in advertising; to use the designation "secondhand used", and to identify the manufacturer, etc., on tags; by failing additionally in advertisements to disclose that some fur products were secondhand and that others were dyed; and by failing in other respects to comply with requirements of the Act.

After trial of the issues, the hearing examiner made his initial decision, including findings, conclusions and order to cease and desist, which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Kitty Lefin, an individual trading as Kitty Lefin Fur House, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, transportation or distribution, in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products, which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or causing the removal or participating in the removal of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products.

2. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with nonrequired information;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Lableing Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

3. Falsely and deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Failing to furnish invoices to purchasers of fur products showing the item number or mark assigned to a fur product.

4. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

(2) That the fur product is composed of used fur when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

B. Fails to disclose that fur products contain or are composed of "secondhand used fur" when such is the fact.

C. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5219; Filed, June 8, 1960; 8:47 a.m.]

[Docket 7642 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Michaelian & Kohlberg, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-40 in general.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Michaelian & Kohlberg, Inc., et al., New York, N.Y., Docket 7642, April 19, 1960]

In the Matter of Michaelian & Kohlberg, Inc., a Corporation, Trading as Spinning Wheel Rugs, and Frank M. Michaelian, L. P. Michaelian, M. A. Michaelian, and P. G. Evraets, Individually and as Officers of Said Corporation

The complaint in this case charged New York City distributors of rugs and floor coverings, some of them imported, with representing falsely on attached labels, invoices, price lists and other sales literature, that the pile or wearing surface of their imported "Manor House" and "Heritage" rugs was "All Wool" when it actually contained a substantial quantity of other fibers.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist

which became on April 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Michaelian & Kohlberg, Inc., a corporation, trading and doing business under its own name or under the name of Spinning Wheel Rugs or under any other name and its officers, and Frank M. Michaelian, L. P. Michaelian, M. A. Michaelian and P. G. Evraets, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, of rugs and floor coverings or any other textile product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the terms "wool" or "all wool" or any other word or term indicative of wool to designate or describe any product or portion thereof which is not composed wholly of wool, the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat, or hair of the camel, alpaca, llama, or vicuna, which has never been reclaimed from any woven or felted product: *Provided,* That in the case of products or portions thereof which are composed in substantial part of wool and in part of other fibers or materials, the term "wool" may be used as descriptive of the wool content of the product or portion thereof if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully designating each constituent fiber or material thereof in the order of its predominance by weight: *Provided, further,* That if any fiber or material so designated is not present in a substantial quantity, the percentage thereof shall be stated. Nothing herein shall prohibit the use of the terms "reprocessed wool" or "reused wool" when the products or those portions thereof referred to are composed of such fibers.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 19, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5220; Filed, June 8, 1960; 8:48 a.m.]

[Docket 7623 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

S. Perlo & Sons et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-90 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1134; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, S. Perlo & Sons, New York, N.Y., Docket 7623, April 14, 1960]

In the Matter of Hindra R. Perlo, Now Deceased, and Dismissed From These Proceedings; Eli Perlo, and Leon Perlo, Co-Partners Trading as S. Perlo & Sons

The complaint in this case charged New York City distributors with violating the Wool Products Labeling Act by labeling and invoicing as "100% Reprocessed Wool * * *" interlining materials which contained substantially less than 100 percent wool.

On the basis of a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Eli Perlo and Leon Perlo, individually and as copartners trading as S. Perlo & Sons, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen interlining materials or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix labels to wool products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That Eli Perlo and Leon Perlo, individually and as copartners trading as S. Perlo & Sons, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool interlining materials, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the complaint herein, insofar as it relates to individual respondent, Hinda R. Perlo, be and the same hereby is dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Eli Perlo and Leon Perlo, individuals and co-partners trading as S. Perlo & Sons shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 14, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-5221; Filed, June 8, 1960; 8:48 a.m.]

[Docket 7654 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Robert Ottemberg and F. H. Leather Products

Subpart—Misbranding or mislabeling: § 13.1185 *Composition.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Robert Ottemberg t/a F. H. Leather Products, New York, N.Y., Docket 7654, April 1, 1960]

The complaint in this proceeding charged a New York City manufacturer with stamping the words "top grain cowhide" on certain of his wallets and billfolds which were made of split leather and consisted substantially of nonleather materials simulating leather.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Robert Ottemberg, an individual trading as F. H. Leather Products, or under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wallets or billfolds, or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "top grain cowhide" or any other words of similar import in connection with leather goods made or split leather or misrepresenting in any manner the kind or quality of the materials of which his leather goods are composed.

2. Offering for sale or selling leather goods made in whole or in part of split leather without affirmatively disclosing such fact on or in immediate connection with such product in a clear and conspicuous manner.

3. Offering for sale or selling leather goods which, to any substantial exent,

consist of parts made of materials other than leather and which simulate or imitate leather unless such parts and the materials of which they are composed are clearly and conspicuously set forth on or in immediate connection with such goods.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-5222; Filed, June 8, 1960; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER G—REGULATIONS UNDER TAX CONVENTIONS

[T.D. 6469]

PART 504—BELGIUM

Subpart—Belgian Congo and Ruanda-Urundi

On December 31, 1959, Treasury Decision 6438 containing the withholding regulations applicable with respect to the extension of the income tax convention between the United States and Belgium of October 28, 1948, as amended, to Belgian Congo and Ruanda-Urundi was published in the FEDERAL REGISTER (24 F.R. 11084). In order to correct the text of certain provisions of the convention as contained in § 504.301(a) of that Treasury decision, that section is amended effective with respect to taxable years beginning on or after January 1, 1959, as follows:

(A) By striking out paragraphs (1) and (2) of Article VIII and inserting in lieu thereof the following:

(1) The rate of United States tax on dividends derived from sources within the United States by a resident or corporation or other entity of Belgium not having a permanent establishment within the United States shall not exceed 15 percent.

(2) Belgium shall not impose on dividends derived from sources within Belgium by a resident or corporation or other entity of the United States not having a permanent establishment within Belgium any tax in the nature of a personal complementary tax or surtax thereon, or any tax similar to that withheld at the source on dividends under United States law in the case of nonresident aliens and foreign corporations.

(B) By striking out Article XVII and inserting in lieu thereof the following article:

ARTICLE XVII

Each of the Contracting States shall collect taxes, which are the subject of this Convention, imposed by the other Contracting State (as though such tax were a tax imposed by the former State) as will ensure that the exemption, or reduced rate of tax, as the case may be, granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

(C) By striking from paragraph (1) of Article XXIII the word "Washington" and inserting in lieu thereof "Brussels".

(D) By striking out paragraph (2) of Article XXIII and inserting in lieu thereof the following:

(2) The present Convention shall become effective with respect to income derived in taxable years beginning on or after the first day of January of the calendar year in which the exchange of the instruments of ratification takes place, except that if such exchange takes place after the thirtieth day of September of such calendar year, Articles VIII and VIIIA and Article IX (2) shall become effective only with respect to payments made after the thirty-first day of December of such calendar year. It shall continue effective for a period of five years beginning with the first day of January of the calendar year in which such exchange takes place and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

Because this Treasury decision merely corrects the text of certain provisions of law cited in existing regulations, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: June 3, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5229; Filed, June 8, 1960; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 836—CLAIMS AGAINST THE UNITED STATES

Reimbursement to Owners and Tenants of Land Acquired by the Department of the Air Force Pursuant to Public Law 534, 82d Congress

1. In § 836.121, the second sentence is revised to read as follows:

§ 836.121 Statutory provisions.

* * * * *

No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary of the Air Force within one year following the date of such acquisition or within one year following the date that the property is vacated by the applicant, whichever date is later.

2. In § 836.122, paragraph (g) is redesignated paragraph (h) and a new paragraph (g) is added as follows:

§ 836.122 Definitions of terms as used in §§ 836.121 to 836.128.

* * * * *

(g) *Date of vacating.* The date on which an owner or tenant moves himself, his family, and his possessions subsequent to January 1, 1958 from land acquired on or subsequent to July 14, 1952.

3. Section 836.125 is revised to read as follows:

§ 836.125 Filing of application.

All applications for reimbursement must be delivered to or mailed to the appropriate Division or District Engineer, Corps of Engineers, Department of the Army within one year from the date of acquisition or within one year from the date that the property is vacated by the applicant, whichever date is later. Applications must be supported by an itemized statement of the expenses, losses, and damages incurred for which reimbursement is requested.

(Sec. 401(b), 66 Stat. 624, as amended) [Approval of the Assistant Secretary of the Air Force and the Deputy Secretary of Defense]

[SEAL] J. L. TARR,
Colonel, U.S. Air Force,
Director of Administrative Services.

[F.R. Doc. 60-5201; Filed, June 8, 1960; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55148]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Requirements for Additional Information on Invoices for Certain Articles Subject to Internal Revenue Taxes

In order to conform to certain changes in the numbering of sections made by the Internal Revenue Code of 1954, § 8.13(h) of the Customs Regulations is amended by changing the section numbers of the affected classes of merchandise to read as follows:

Copper bearing ores and concentrates and other articles taxable under IRC, sec. 4541.
Oils, or products of such oils, upon which an import tax is imposed by IRC, sec. 4561, 4571, or 4581.
Sugar, manufactured, articles containing 10 percent or more by weight of, as defined in IRC, sec. 4502(3).

Section 8.13(h), Customs Regulations, is further amended by adding the num-

ber of this Treasury Decision to the column entitled, "Treasury Decisions or sections of regulations" opposite each of the foregoing classes of merchandise.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 2, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5232; Filed, June 8, 1960; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Fenders; Correction

Section 401.103-13, appearing in the Amendment to the St. Lawrence Seaway Regulations and Rules published in the FEDERAL REGISTER on Thursday, May 26, 1960 (25 F.R. 4647), should have been designated § 401.103-11.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] MARTIN W. OETTERSHAGEN,
Acting Administrator.

[F.R. Doc. 60-5226; Filed, June 8, 1960; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter II—Federal Aviation Agency

PART 2-60—CONTRACT APPEAL PROCEDURES

Establishing Procedures Governing Contract Appeals

On March 17, 1959, the Administrator of General Services published the Federal Procurement Regulations (Title 41, Chapter I) in the FEDERAL REGISTER. These regulations apply to all Federal agencies to the extent specified in the Federal Property and Administrative Service Act of 1949 or other applicable statutes and laws. This Federal procurement regulation system for the codification and publication of uniform policies and procedures applicable to the procurement of personal property and nonpersonal services (including construction) by executive agencies contemplates that succeeding chapters of Title 41 would be devoted to implementing and supplementing materials developed and issued by particular Federal agencies to govern their procurement activities, as well as to regulations of general application to agencies having procurement functions issued by other Federal regulatory agencies. These rules constitute the Federal Aviation Agency's detailed procedures governing the conduct of contract appeals.

In essence, these procedural rules merely codify and formalize the procedures presently followed by the Agency in handling its contract appeals. New Part 2-60 contains provisions prescribing the method whereby an authorized appeal may be taken; internal agency procedures for processing such appeals either upon the basis of written submission or after oral hearing; the scope and nature of such oral hearings and their conduct and the method of arriving at findings and decisions. Since this rule relates to public property and contracts, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective immediately upon the date of its publication in the FEDERAL REGISTER.

In consideration of the foregoing, I hereby adopt new Part 2-60 of Title 41 of the Code of Federal Regulations:

Sec.
2-60.1 Scope of part.
2-60.2 Establishment of Panel.
2-60.3 Exercise of authority.
2-60.4 Delegation.
2-60.5 Appeal.
2-60.6 Form of appeal.
2-60.7 Transmittal of notice of appeal.
2-60.8 Notification to contractor.
2-60.9 Consideration without oral hearing.
2-60.10 Notice of hearing.
2-60.11 Absence of contractor.
2-60.12 Scope and nature of hearing.
2-60.13 Evidence.
2-60.14 Examination of witnesses.
2-60.15 Briefs.
2-60.16 Copies of papers.
2-60.17 Withdrawal of exhibits.
2-60.18 Representation.
2-60.19 Findings and decisions.
2-60.20 Motions for rehearing.
2-60.21 Modification of rules.

AUTHORITY: §§ 2-60.1 to 2-60.21 issued under secs. 303, 313, 1001, 72 Stat. 747, 752, 788; 49 U.S.C. 1344, 1354, 1481.

§ 2-60.1 Scope of part.

This part relates to the establishment and functions of a Contract Appeals Panel, authorizes the members of such panel to act, and delegates to the General Counsel authority to designate the Chairman of such panel and its members.

§ 2-60.2 Establishment of Panel.

The Contract Appeals Panel heretofore established in the Office of the General Counsel is hereby continued.

§ 2-60.3 Exercise of authority.

Members of the Contract Appeals Panel are hereby authorized to act for the Administrator of the Federal Aviation Agency in hearing and considering appeals by contractors from findings of fact or from decisions of contracting officers of the Agency, where permitted by the terms of the contract, or as directed by the Administrator. Members of the Panel are also authorized to recommend to the Administrator action to be taken upon such appeals.

§ 2-60.4 Delegation.

The General Counsel is hereby delegated authority to appoint the members of the Contract Appeals Panel from personnel of his Office who are members of the Bar of any State, territory, or possession of the United States, and to designate one of such members as Chairman of the Panel.

§ 2-60.5 Appeal.

When and to the extent that an appeal from a decision of a contracting officer of the Agency is authorized, such an appeal may be taken by filing a written appeal with the contracting officer from whose decision it is taken.

§ 2-60.6 Form of appeal.

The appeal must be in writing but need not follow any prescribed form and may be in the form of a letter addressed to the Administrator, except that it must identify the decision appealed from and it must state that the contractor appeals from that decision. Letters of complaint or general letters objecting to some action taken will not be considered appeals. It should be in triplicate, and should indicate the decision from which the appeal is taken, the date thereof, and the number of the contract involved. It should also specify the portion or portions of the decision from which the appeal is taken and the reasons why those portions are deemed to be erroneous. The appeal should be dated and signed by the contractor and, if he desires to appear or be represented at a hearing, it must contain a request that such a hearing be held. The appeal must be mailed to or otherwise filed with the contracting officer within the time specified in the contract or, if no time is specified, within 30 days from the date of receipt of the contracting officer's decision.

§ 2-60.7 Transmittal of notice of appeal.

When the appeal has been received by a contracting officer, he will endorse the date of its receipt on the original and promptly forward the original and one copy thereof, together with one copy of the contract, including specifications, modifications and change orders, his decision, findings of fact and supporting data, and all pertinent correspondence and other data in his possession relevant to the dispute, to the Chairman, Contract Appeals Panel, Federal Aviation Agency, Washington 25, D.C.

§ 2-60.8 Notification to contractor.

After receipt by him of the material referred to in § 2-60.7, the Chairman will designate one of the members of the Contract Appeals Panel to consider the appeal, notify the contractor of such designation, and supply to him copies of such relevant factual material in the possession of the Government as the Chairman may deem to be desirable in order to assist the contractor to develop his case. In cases of unusual complexity, more than one member may be designated.

§ 2-60.9 Consideration without oral hearing.

If an oral hearing has not been requested in the appeal the member designated by the Chairman will consider the appeal upon the basis of written material, together with such brief as the

contractor may desire to submit. The member will instruct the contractor with respect to the time within which such brief may be submitted.

§ 2–60.10 Notice of hearing.

If an oral hearing has been requested, the member to whom the appeal has been assigned will fix the time when and the place where such hearing will be conducted and will give the contractor at least 15 days' notice thereof in writing. In fixing a time and place for such hearing, the convenience of the parties will be considered. Ordinarily, hearings will be held at the headquarters of the Agency, in Washington, but they may be held at such other place as may be determined by the member conducting the hearing.

§ 2–60.11 Absence of contractor.

In the event of the unexcused absence of the contractor or his representative at the time and place set for an oral hearing, the appeal will be deemed to have been submitted without oral testimony or argument on behalf of the contractor, and will be considered by the member conducting the hearing without further proceedings.

§ 2–60.12 Scope and nature of hearing.

At an oral hearing the member presiding will receive evidence and arguments presented by or on behalf of the contractor. Evidence will not be presented on behalf of the Government. The questions raised by the appeal will be considered de novo, and the Administrator will not be bound by the findings of fact of the contracting officer, although he may adopt them in whole or in part. Hearings will be as informal as may be reasonably permitted under the circumstances. The contractor, or his representatives, may offer at a hearing such evidence or argument as they deem appropriate, subject to the exercise of reasonable discretion by the presiding officer as to the extent and manner of presenting such argument. In the event that the contractor desires to submit additional evidence or argument subsequent to an oral hearing, he will be permitted to do so within a time limit fixed by the presiding officer. In some instances, the evidence presented may be insufficient to permit the formulating of a recommendation. In such cases, the member conducting the hearing may require additional information to be submitted.

§ 2–60.13 Evidence.

The contractor may present to the member conducting the hearing sworn statements setting forth the factual material upon which he relies, or he may present witnesses who will testify to such facts. He will be expected to state and establish the grounds upon which his appeal is founded. Testimony and evidence may be submitted without regard to the formal rules of evidence, but shall, nevertheless, be subject to a determination by the member presiding with respect to propriety or relevance.

§ 2–60.14 Examination of witnesses.

Witnesses will not be required to testify under oath; however, if the circumstances so warrant, the member presiding at the hearing may warn the witness that his statements may be subject to the provisions of Title 18, U.S.C., sec. 287, 1001; and any other provisions of law imposing penalties for knowingly making false representations in connection with matters under consideration by Federal agencies. All witnesses will be subject to examination by the member conducting the hearing. Witnesses may then be re-examined by the contractor, or his counselor or other authorized representative.

§ 2–60.15 Briefs.

Briefs may be submitted in accordance with instructions by the member conducting the hearing, who may request preliminary briefs or statements describing the basis for the appeal and the questions involved in advance of a hearing.

§ 2–60.16 Copies of papers.

Copies of papers, books, records or documents will be accepted as evidence in lieu of the submission of the original documents where such submission is not practicable.

§ 2–60.17 Withdrawal of exhibits.

After the Administrator's decision has been rendered, upon request, original exhibits will be returned to the persons entitled to them.

§ 2–60.18 Representation.

A contractor may appear in person or may be represented by counsel, or by any other duly authorized person.

§ 2–60.19 Findings and decisions.

After consideration of the appeal, the member assigned thereto will advise the Administrator with respect to the case, and the Administrator will make such decision as he deems appropriate. The contractor will be notified of the Administrator's decision by the Chairman and will be furnished a copy thereof.

§ 2–60.20 Motions for rehearing.

In most instances, the decision of the Administrator as to questions of fact, by the terms of the contract involved, are final and conclusive and binding on the parties thereto. Motions for rehearing or reconsideration will not be considered unless based upon evidence not previously available to the contractor or considered by the member to whom the appeal was assigned, in making his recommendation to the Administrator. Such motions must be filed within a reasonable period of time from the date of receipt of the Administrator's decision and shall set forth specifically the grounds relied upon.

§ 2–60.21 Modification of rules.

The rules contained in this part are intended to render the contract appeals procedure just and simple and to prevent unjustifiable expense and delay. They may be relaxed or modified by the member conducting the hearing in the interests of justice and the expeditious settlement of disputes.

This part shall become effective upon the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 2, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-5202; Filed, June 8, 1960; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-617]

PART 1—PRACTICE AND PROCEDURE

Revision of FCC Form 316

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of May 1960;

The Commission having before it for consideration its revised FCC Form 316 (Assignment of License or Transfer of Control Application, Short Form), adopted and approved July 6, 1949; and

It appearing that changes in the "General Instructions" on the face of the form are solely of a clarifying nature and include the present texts of §§ 1.303, 1.329 and 1.330 of the rules, as revised when Part 1 was recodified in February 1958; and

It further appearing that certain other changes in the numbering, punctuating and wording of the instructions in the various paragraphs of the form are editorial in nature and designed to clarify the instructions; and

It further appearing that a need exists for an additional paragraph on the face of the form calling for Articles of Incorporation and Bylaws, properly certified, if the applicant is a corporation, or, the agreement creating the partnership, if that be the case; and

It further appearing that additional paragraphs on the back of the form calling for detailed financial statements, other broadcast interests, and the citizenship of the applicants, are needed; and

It further appearing that the revisions are procedural and editorial in nature and therefore the provisions of section 4 of the Administrative Procedure Act with respect to proposed rule making are not applicable;

It is ordered, That, effective May 25, 1960, pursuant to authority under sections 4(i) and 303(r) of the Communications Act of 1934, as amended, FCC Form 316 (adopted July 6, 1949), Assignment of License or Transfer of Control Application, Short Form,[1] is revised to conform with the above changes. Copies of the revised form will be available upon request to the Commission in the near future.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5245; Filed, June 8, 1960; 8:51 a.m.]

[1] Filed as part of original.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 130]

NORTH PACIFIC AREA

Definition; Salmon Fishery Prohibition

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 12 of the act of August 12, 1954 (68 Stat. 700; 16 U.S.C. 1031), it is proposed to amend 50 CFR Part 130 as set forth below. The purpose of the amendment is to extend the boundaries of the area where it is prohibited to fish for or take salmon with any net and to define the term North Pacific area.

Such fishing has been prohibited by Federal regulations since 1957 under authority of the North Pacific Fisheries Act as far west as longitude 175 degrees west.

In order to provide identical coverage with that provided the Pacific Coast States, it is now proposed to extend the prohibition against such fishing throughout the North Pacific area.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Commercial Fisheries, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 1, 68 Stat. 698, as amended; 16 U.S.C. 1021 et seq.)

ROSS LEFFLER,
Assistant Secretary of the Interior.

JUNE 3, 1960.

Part 130—North Pacific Area, would be revised as follows:

§ 130.1 Definition.

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

SALMON FISHERY

§ 130.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided,* That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

[F.R. Doc. 60-5223; Filed, June 8, 1960; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

SERVICES AND EXPENSES OF EMPLOYEES

Reimbursement of Charges

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759 (5 U.S.C. 22, 140; 19 U.S.C. 66, 1624), it is proposed to amend § 24.17(a)(11) of the Customs Regulations.

Sections 15.2, 15.3(b), and 15.10 of the Customs Regulations permit the performance of certain operations on imported merchandise under customs supervision for the benefit or convenience and at the expense of the importer. The compensation of the customs employee assigned to supervise such operations is not included in the charges for expenses incurred. When, however, the examination or other processing of merchandise before entry for consumption or warehouse is permitted under § 8.5 of the Customs Regulations at the request of an importer, the compensation of the customs employee supervising the operation, as well as any other expenses incurred, are required to be reimbursed to the Government.

It is believed that services rendered by the Government under §§ 15.2, 15.3(b) and 15.10, like those under § 8.5(b) should, in accordance with section 501 of the Act of August 31, 1951 (5 U.S.C. 140), be "self-sustaining to the full extent possible." Accordingly, it is proposed to amend § 24.17(a)(11) of the Customs Regulations as tentatively set forth below:

(11) When a customs officer or employee is assigned to supervise examination, sampling, weighing, repacking, segregation, or other operation on merchandise in accordance with §§ 8.5(b), 15.2, 15.3(b) and 15.10 of the regulations of this part, the compensation and other expenses of such officer or employee shall be reimbursed to the Government by the party-in-interest except when a warehouse proprietor is liable therefor.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: May 19, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-5231; Filed, June 8, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1028]

[Docket No. AO-314]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Findings and Determinations on Results of Referendum on Proposed Marketing Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Peoria and Bloomington, Illinois, on August 25 through September 4, 1959, pursuant to notice thereof issued on July 20, 1959 (24 F.R. 5908) and notice of postponement of hearing issued July 28, 1959 (24 F.R. 6165) upon a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area.

The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued on February 15, 1960 (25 F.R. 1448) and the final decision of the Assistant Secretary was issued on May 4, 1960 (25 F.R. 4093) setting forth a proposed marketing agreement and a proposed order as the appropriate and determined means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937 as amended. Annexed to, and made a part of, the final decision of the Assistant Secretary of Agriculture issued May 4, 1960 (25 F.R. 4093, F.R. Doc. 60-4157) was an order directing that a referendum be conducted among producers to determine whether the required percentage of producers favored the issuance of the proposed order.

It is hereby found and determined on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order that the issuance of the proposed order regulating the handling of milk in the Central Illinois marketing area as set forth in the aforesaid decision is not favored by the re-

quired percentage of producers who voted in the aforesaid referendum.

It is hereby found and determined that the proposed order set forth in the decision of the Assistant Secretary of May 4, 1960 (25 F.R. 4093) will not be issued or made effective because of the failure of the required percentage of producers voting in the referendum to approve or favor its issuance.

Issued at Washington, D.C., this 6th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-5247; Filed, June 8, 1960; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-91]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (Section 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6051, 600.6243, 601.6051, 601.6243, 601.1126 and 601.7001 of the regulations of the administrator, the substance of which is stated below.

VOR Federal airway No. 51 extends, in part, from Jacksonville, Fla., to Crossville, Tenn. VOR Federal airway No. 243 extends, in part, from Chattanooga, Tenn., to Bowling Green, Ky. The Federal Aviation Agency is considering redesignating the McDonough, Ga., to Crossville segment of Victor 51; revoking Victor 51W from Alma, Ga., to Chattanooga; designating east and west alternates from McDonough to Crossville, and designating an east alternate from Alma to Macon, Ga. It is also proposed to extend VOR Federal airway No. 243 from Jacksonville to Chattanooga via the Jacksonville VOR 319° and the Alma VOR 148° True radials; Alma VOR; Alma VOR 305° and the Vienna VOR 135° True radials; Vienna VOR; Atlanta VOR, including a west alternate via the Vienna VOR 286° and Atlanta VOR 164° True radials; the Atlanta VOR 009° and the Chattanooga VOR 152° True radials to Chattanooga.

The McDonough to Crossville segment of Victor 51 would be realigned from the McDonough VOR to the Crossville VOR direct station to station. An east alternate to Victor 51 would be designated from Alma to Macon via the intersection of the Alma VOR 335° True radial and the 137° True radial of a VOR to be installed approximately October 20, 1960, near Dublin, Ga., at latitude 32°30'54" N., longitude 83°07'56" W.; Dublin VOR direct to Macon. An east alternate to Victor 51 would be designated from the intersection of the McDonough VOR 345° and the Atlanta VOR 009° True radials to the Crossville VOR via the intersection of the Atlanta VOR 009° and the Crossville VOR 142° True radials. A west alternate to Victor 51 would be designated from the McDonough VOR to the Crossville VOR via the Chattanooga VOR. Victor 243 would be extended from Jacksonville to Chattanooga via the intersection of the Jacksonville VOR 319° and the Alma 148° True radials; Alma VOR; intersection of the Alma VOR 305° and the Vienna VOR 135° True radials; Vienna VOR; Atlanta VOR, including a west alternate from the Vienna VOR to the Atlanta VOR via the Vienna VOR 286° and the Atlanta VOR 164° True radials to the Atlanta VOR; intersection of the Atlanta VOR 009° and the Chattanooga VOR 152° True radials to Chattanooga VOR. These modifications are part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area by providing a direct route between the Atlanta terminal area and Crossville, and a bypass route around the Chattanooga terminal area. In addition, the east alternate to Victor 51 would provide a route for separating climbing and descending aircraft from aircraft operating on the main airway between Atlanta and Crossville. The extension of Victor 243 from Jacksonville to Chattanooga and the revocation of Victor 51 west alternate from Alma to Chattanooga would improve air traffic management by providing a single airway designation from Jacksonville to Scotland, Ind. The west alternate to Victor 243 from the Vienna VOR to the Atlanta VOR would provide a route for separating climbing and descending aircraft from aircraft operating on the main airway between Atlanta and Vienna. In addition, the Knoxville, Tenn., control area extension would be modified by deleting reference to the Chattanooga, Tenn., control area extension. The realignment of Victor 51 as proposed herein would serve as the western boundary and it would no longer be necessary to refer to the Chattanooga control area extension in the Knoxville control area extension description. This would be a change in the description of the Knoxville control area extension only, and would not increase the amount of controlled airspace.

Concurrently with this action, it is proposed to designate the following VOR reporting points:

Bobby Jones Intersection: The intersection of the Atlanta VOR 034° and the McDonough 333° True radials.

Benton Intersection: The intersection of the Chattanooga VOR 088° and the Crossville VOR 164° True radials.

Lithania Intersection: The intersection of the McDonough VOR 345° and the Atlanta VOR 054° True radials.

The Murphy, N. C., intersection (the intersection of the Chattanooga, Tenn., VOR 088° and the Knoxville, Tenn., VOR 191° True radials), and the Atlanta VOR and the McDonough VOR; would be revoked as Domestic VOR reporting points.

If these actions are taken, VOR Federal airway No. 51 and its associated control areas would be modified by redesignating the segment of Victor 51 from McDonough, Ga., to Crossville, Tenn., direct station to station, including an east alternate from the intersection of the McDonough VOR 345° and the Atlanta, Ga., VOR 009° True radials to the Crossville VOR via the intersection of the Atlanta VOR 009° and the Crossville VOR 142° True radials; including a west alternate from McDonough to Crossville via the Chattanooga, Tenn., VOR. An east alternate to Victor 51 would be designated from Alma, Ga., to Macon, Ga., via the intersection of the Alma VOR 335° and the Dublin, Ga., VOR 137° True radials; and the Dublin VOR. The present Victor 51 west alternate from Alma to Chattanooga would be revoked. VOR Federal airway No. 243 and its associated control areas would be extended from Jacksonville, Fla., to Chattanooga via the intersection of the Jacksonville VOR 319° and the Alma VOR 148° True radials; Alma VOR; intersection of the Alma VOR 305° and the Vienna, Ga., VOR 135° True radials; Vienna VOR; Atlanta VOR, including a west alternate from the Vienna VOR to the Atlanta VOR via the Vienna VOR 286° and the Atlanta VOR 164° True radials; and the intersection of the Atlanta VOR 009° and the Chattanooga VOR 152° True radials to Chattanooga.

Concurrently Bobby Jones, Ga., Benton, Tenn., and the Lithonia, Ga., intersections would be designated as Domestic VOR reporting points. The Murphy, N.C., Intersection and the Atlanta, Ga., VOR and the McDonough, Ga., VOR would be revoked as Domestic VOR reporting points. The Knoxville, Tenn., control area extension (§ 601.1126) would be modified by deleting in the description "on the southwest by the Chattanooga control area extension (§ 601.1373)".

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5207; Filed, June 8, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-92]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6005, 601.6005 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 5 extends, in part, from Jacksonville, Fla., to Chattanooga, Tenn. The Federal Aviation Agency is considering modifying the present Victor 5 east alternate between Jacksonville and Macon, Ga., by realigning it via a VOR to be installed approximately October 20, 1960, near Dublin, Ga., at latitude 32°30'54" N., longitude 83°07'56" W., and extending it to McDonough, Ga. Victor 5 east would then be designated from the Jacksonville VOR via the intersection of the Jacksonville VOR 334° and the Dublin VOR 137° True radials; Dublin VOR; the intersection of the Dublin VOR 330° and the McDonough VOR 122° True radials to the McDonough VOR. It is also proposed to designate an east alternate to Victor 5 from McDonough to Chattanooga via the intersection of the McDonough VOR 345° and the Chattanooga VOR 118° True radials. Concurrently, Victor 5 west alternate from Alma to Chattanooga would be revoked. The Federal Aviation Agency proposes to extend VOR Federal airway No. 243 between Alma and Chattanooga via the present alignment of Victor 5 west.

This is a part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area. Victor 5 and its east alternate from McDonough to Chattanooga would provide a dual airway system between the Atlanta and Chattanooga terminals. Victor 5 east alternate from Jacksonville to McDonough would provide a dual airway system between Jacksonville and Atlanta terminals. Concurrently with these actions, it is proposed to designate Baxley, Ga., Intersection (intersection of the Jacksonville VOR 334° and the Alma, Ga., VOR 035° True radials) and to revoke Coffee, Ga., Intersection (intersection of the Jacksonville VOR 334° and the Alma VOR 009° True radials) as Domestic VOR reporting points.

If these actions are taken, VOR Federal airway No. 5 and its associated control areas would be modified by designating an east alternate from Jacksonville, Fla., to McDonough, Ga., via the intersection of the Jacksonville VOR 334° and the Dublin, Ga., VOR 137° True radials; Dublin VOR; intersection of the Dublin VOR 330° and the McDonough VOR 122° True radials. Victor 5 east alternate from McDonough to Chattanooga, Tenn., would be designated via the intersection of the McDonough VOR 345° and the Chattanooga VOR 118° True radials. Victor 5 west alternate from Alma, Ga., to Chattanooga would be revoked. The Baxley, Ga., Intersection would be designated and the Coffee, Ga., Intersection would be revoked as Domestic VOR reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5209; Filed, June 8, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-106]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6267, 601.6267 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 267 presently extends from Miami, Fla., to Jacksonville, Fla. The Federal Aviation Agency is considering the modification of Victor 267 by extending it from the Jacksonville VOR to the Norcross, Ga., VOR via the intersection of the Jacksonville VOR 334° and the Dublin, Ga., VOR 137° True radials, and the Dublin VOR. The Dublin VOR is scheduled to be installed approximately October 20, 1960 near Dublin, Ga., at latitude 32°30'54" N., longitude 83°07'56" W.

This extension would facilitate air traffic management and flight planning by providing a bypass route northeast of the Macon, Ga., and Atlanta, Ga., terminal areas for air traffic proceeding to northern and northwestern terminals. In addition, § 601.7001, Domestic VOR reporting points, would be modified by adding the following reporting points:

1. Dublin, Ga., VOR.
2. Smart, Ga., Intersection: The intersection of the Macon, Ga., VOR 056° and the Dublin, Ga., 330° True radials.
3. Porterdale, Ga., Intersection: The intersection of the McDonough, Ga., VOR 063° and the Norcross, Ga., VOR 150° True radials.

If this action is taken, VOR Federal airway No. 267 and its associated control areas would be modified by extending it from Jacksonville, Fla., to Norcross, Ga., via the intersection of the Jacksonville VOR 334° and the Dublin, Ga., VOR 137° True radials; and the Dublin, Ga., VOR. In addition, the following Domestic VOR reporting points would be designated; Dublin, Ga., VOR; Smart, Ga., Intersection; and the Porterdale, Ga., Intersection.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5208; Filed, June 8, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-134]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 600.6066, 600.6454, 601.6066 and 601.6454 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 454 presently extends in part from Evergreen, Ala., to McDonough, Ga., and from Atlanta, Ga., to Fort Mill, S.C. VOR Federal Airway No. 66 presently extends from San Diego, Calif., to Sulphur Springs, Tex. VOR Federal airway No. 476 presently extends from McDonough to Fort Mill. The Federal Aviation Agency has under consideration redesignation of the portion of Victor 454 between Evergreen, Ala., and Fort Mill as follows: From the Evergreen VOR via the intersection of the Evergreen VOR 075° and the Columbus, Ga., VOR 219° True radials; Columbus VOR; McDonough VOR; Greenwood, S.C., VOR; intersection of the Greenwood VOR 060° and the Fort Mill VOR 227° True radials, to the Fort Mill VOR. If Victor 454 is redesignated as proposed herein, it would coincide with Victor 476 from McDonough to Fort Mill. Therefore, to simplify the airway numbering system it is proposed to revoke Victor 476 concurrently with the redesignation of Victor 454. It is also proposed to designate an additional segment of Victor 66 from McDonough to Fort Mill via the intersection of the McDonough VOR 036° and the Athens, Ga., VOR 241° True radials; Athens VOR; intersection of the Athens VOR 062° and the Fort Mill VOR 242° True radials. These modifications are part of a plan to revise and increase the air traffic flow capabilities into and from the Atlanta terminal area by providing airway continuity and bypass routes around the Atlanta terminal area.

If these actions are taken, VOR Federal airway No. 454 and its associated control areas would be redesignated from Evergreen, Ala., to Fort Mill, S.C., via the intersection of the Evergreen VOR 075° and the Columbus, Ga., VOR 219° True radials; Columbus VOR; McDonough, Ga., VOR; Greenwood, S.C., VOR; intersection of the Greenwood VOR 060° and the Fort Mill VOR 227° True radials. A segment of VOR Federal airway No. 66 and its associated control areas would be designated from the McDonough, Ga., VOR to the Fort Mill, S.C., VOR via the intersection of the McDonough VOR 036° and the Athens, Ga., VOR 241° True radials; Athens VOR; intersection of the Athens VOR 062° and the Fort Mill VOR 242° True radials. VOR Federal airway No. 476 and its associated control areas would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 3, 1960.

CHARLES W. CARMODY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-5210; Filed, June 8, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 1, 1960.

The Bureau of Reclamation has filed an application, Serial No. MONTANA–037750, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws.

The applicant desires the land for use as a portion of the Deerfield Reservoir, Rapid Valley Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 1 N., R. 3 E.,
Sec. 30, Lot 4.

Total area—40.88 acres.

J. R. PENNY,
State Supervisor.

[F.R. Doc. 60–5224; Filed, June 8, 1960; 8:48 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial No. Washington 03125, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws. The applicant desires the land for six recreation areas and a campsite, and to provide access to several lakes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane 1, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, WASHINGTON

Bead Lake Recreation Area

T. 32 N., R. 45 E.,
Sec. 3, lot 1, W½ lot 2, lot 3, lot 4, lot 5, lot 6, lot 7, lot 8;
Sec. 4, lot 1, lot 2, and lot 6;
Sec. 9, NE¼NE¼NW¼;
Sec. 10, lot 3, except north 20 acres, lot 4, lot 5, lot 6, lot 7, except south 20 acres, and lot 8, except south 20 acres.
T. 33 N., R. 45 E.,
Sec. 34, lot 1, except north 20 acres, lot 2, except west 20 acres, lot 3, except east 20 acres, lot 4, except east 20 acres, lot 5, lot 6, and SW¼SW¼NE¼.
Totaling 575.53 acres.

Browns Lake Recreation Area

T. 34 N., R. 44 E.,
Sec. 14, S½SE¼SE¼;
Sec. 23, NE¼NE¼, N½SE¼NE¼;
Sec. 24, N½NW¼, N½S½NW¼, NW¼NE¼, N½SW¼NE¼.
Totaling 240 acres.

Calispell Creek Recreation Area No. 4

T. 32 N., R. 43 E.,
Sec. 19, S½S½SW¼NE¼.
Totaling 10 acres.

Pyramid Pass Recreation Area

T. 35 N., R. 45 E.,
Sec. 21, W½W½SW¼SE¼.
Totaling 10 acres.

No Name Lake Recreation Area

T. 32 N., R. 45 E.,
Sec. 8, lot 1, NE¼ lot 2.
Totaling 35.74 acres.

Half Moon Lake Recreation Area

T. 34 N., R. 44 E.,
Sec. 26, E½W½SW¼SW¼, E½SW¼SW¼.
Totaling 30 acres.

Tacoma Camp

T. 34 N., R. 43 E.,
Sec. 22, W½SW¼.
Totaling 80 acres.

The aggregate area of these lands is 981.27 acres.

FRED J. WEILER,
State Supervisor.

[F.R. Doc. 60–5225; Filed, June 8, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–10]

COMMONWEALTH EDISON CO.

Issuance of Amended Facility License

Please take notice that the Atomic Energy Commission by an order of the Presiding Officer dated May 16, 1960, has amended License No. DPR–2 issued to Commonwealth Edison Company, Chicago, Illinois. The amended license, which is effective as of the date given below, authorizes Commonwealth Edison to operate its Dresden reactor to a power level of 630 megawatts (thermal) but provides that Commonwealth Edison shall not operate the reactor in excess of or at a steady-state power level of 630 megawatts (thermal) without further order of the Commission.

The license provides for a further public hearing after completion of the rated power tests to consider the issuance of a license for the full term of years requested by Commonwealth Edison. Such hearing will be held upon 15 days notice to the public.

Dated at Germantown, Md., this 2d day of June 1960.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 60–5198; Filed, June 8, 1960; 8:45 a.m.]

LAND BURIAL OF PACKAGED LOW-LEVEL RADIOACTIVE WASTES

AEC Charges

1. This notice sets forth U.S. Atomic Energy Commission (AEC) charges for land burial of packaged solid waste substances consisting of or contaminated with source, special nuclear or byproduct material and having a low level of radioactivity (packaged low-level radioactive wastes), generated by AEC-licensed users of such materials.

2. Land burial of packaged low-level radioactive wastes will be permitted at AEC sites located near Oak Ridge, Tennessee and Idaho Falls, Idaho (the sites). Land burials of packaged low-level radioactive wastes have been carried on at the sites for AEC and others for a number of years. The sites have been established as interim land burial sites pending designation of permanent land burial sites.

3. The charges for land burial at the sites are established as $.70 per cubic foot for packaged low-level radioactive wastes, with a minimum charge of $21.00 for batches consisting of 30 cubic feet or less. All charges are f.o.b. the sites. Although these charges are subject to adjustment, the AEC intends to maintain them as stable as possible. Arrangements for land burial of packaged low-level radioactive wastes should be made with the AEC's Oak Ridge Operations Office, for land burial at Oak Ridge, and with the Idaho Operations Office, for land burial at Idaho Falls. Requests for information concerning terms and conditions of such arrangements should be directed to:

Manager of Operations, P.O. Box E, Oak Ridge, Tenn.

Manager of Operations, P.O. Box 1221, Idaho Falls, Idaho.

4. The types of packaged low-level radioactive wastes to which this notice applies include such items as broken glassware, paper wipes, rags, ashes, animal carcasses, laboratory paraphernalia, etc.

5. Shipments of packaged low-level radioactive wastes to the sites must be made in accordance with the regulations and requirements of transportation regulatory agencies, and the AEC where applicable.

Dated at Germantown, Md., this 31st day of May 1960.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-5199; Filed, June 8, 1960; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13586, 13587; FCC 60-646]

JAMES C. FIELDS AND ALL-FLORIDA COMMUNICATIONS CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James C. Fields, Tampa, Florida, Docket No. 13586, File No. 1964-C2-R-60, for a renewal of the license for station KIK578 in the Domestic Public Land Mobile Radio Service at Tampa, Florida; Alan H. Rosenson, d/b as, All-Florida Communications Company, Tampa, Florida, Docket No. 13587, File Nos. 2335-C2-MP-60, for a modification of the construction permit for Station KIQ516 in the Domestic Public Land Mobile Radio Service at Tampa, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of June 1960;

The Commission having under consideration the above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service at Tampa, Florida; and

It appearing that the application of James C. Fields to renew the license for station KIK578 on 35.22 Mc and the application of Alan H. Rosenson to modify his existing construction permit for station KIQ516 to change from 43.22 Mc to 35.22 Mc would result in harmful mutual interference between them; and

It further appearing that satisfactory one-way signaling service requires a minimum radio signal field strength ratio of 5 to 1 (14 decibels) between desired and undesired co-channel stations; and

It further appearing that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limit of reliable service area for stations engaged in one-way signaling service; and

It further appearing that the 43 dbu median field strength set forth in § 21.504 of the rules is based upon the Commission's report T.R.R. 3.3.1. entitled "Service Field Intensity Required for Radio Paging Service at 40 Mc/s"; and

It further appearing that the procedure set forth in a Commission Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band", and use of the F(50,50) and F(50,10) radio wave propagation charts for TV channel 2 (contained in Part 3 of the Commission's rules and the Commission's Sixth Report and Order in Docket No. 8736, et al.) adjusted downward in field strength by 6 decibels, to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30 foot height for which the charts were drawn, are proper for the evaluation of the service contours and interference potential of the stations proposed in this proceeding; and

It further appearing that in accordance with § 21.100 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally required to be assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis; and

It further appearing that Charles P. B. Pinson, Inc. (hereinafter called Pinson) may have assumed the full operational control of station KIK578, which station is licensed to James C. Fields, without having first obtained the Commission's consent therefor, as required by section 310(b) of our Act and § 21.29(b) of our rules, and despite actual notice not to do so; and

It further appearing that the obtaining of the license for station KIK578 in the name of Fields may have been in furtherance of a scheme by Pinson and Fields to mislead the Commission into believing that such facility would be operated by Fields rather than Pinson; and

It further appearing that the operation of station KIK578 may not have been in accordance with the sworn statements of Pinson and Fields executed March 17, 1958, relative thereto; and

It further appearing that Pinson and Fields may have willfully and deliberately made false representations to the Commission and its representatives for the purpose of misleading or misinforming the Commission relative to matters material to the grant of radio authorizations to such persons and relative to the use and operation of station KIK578; and

It further appearing that we are unable to find, at this time, that Fields possesses the necessary technical and other (character and moral) qualifications to be a licensee in this service; and

It further appearing that the Commission has advised each of the above entitled applicants and Charles P. B. Pinson, Inc., by various letters transmitted pursuant to section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the subject applications cannot be granted without hearing, and that replies have been received from each of the applicants and from Charles P. B. Pinson, Inc., and that such replies have been considered; and

It further appearing that though there has been a challenge of Rosenson's technical and other qualifications to be a licensee in this service, there have been offered no facts to support such beliefs and we have no independent knowledge of facts reflecting adversely on Rosenson's qualifications; and

It further appearing that Fields is financially qualified to be a licensee in this service and that Rosenson is legally, financially and technically qualified to be a licensee in this service.

It is ordered, That pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding, which proceeding is to be further consolidated, in view of the matters mentioned above, with a hearing ordered this date in the matter of certain applications of Charles P. B. Pinson, Inc., (File Nos. 683-C2-P-59, 684-C2-P-59, 785-C2-P-59, 263-C2-MP-60, 1380-C2-R-60, 207-C2-R-60 and 1069-C2-R-60), at the Commission's offices in Washington, D.C., and at such places in Tampa and St. Petersburg, Florida, as may be designated by the Presiding Examiner, on a date or dates to be hereafter specified, upon the following issues:

(a) To determine James C. Fields' technical and character qualifications to be a licensee in this service.

(b) To determine whether the statement made to the Commission, under oath, on March 17, 1958 by Charles P. B. Pinson, President of Charles P. B. Pinson, Inc., relative to the operation of station KIK578, was true and correct when made and whether Fields was cognizant of such statement.

(c) To determine, in the event the statement mentioned in issue (b) above is found to be untrue in any respect, whether such untrue statement was made with intent to mislead and misinform the Commission, and whether Fields was cognizant thereof.

(d) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have made false and misleading representations to the Commission and its representatives relevant and material to the grant of radio authorizations for station KIK578 and material and relevant to the use and operation of such station, and whether Fields was cognizant thereof.

(e) To determine whether the statement made to the Commission, under oath, on March 17, 1958 by James C. Fields, relative to the operation of station KIK578, was true and correct when made.

(f) To determine, in the event the statement mentioned in issue (e) above is found to be untrue in any respect, whether such untrue statement was made with intent to mislead and misinform the Commission.

(g) To determine whether James C. Fields has made false and misleading representations to the Commission and its representatives relevant and material

to the grant of radio authorizations for station KIK578 and material and relevant to the use and operation of such station.

(h) To determine the basis for, and the extent of, the participation of Charles P. B. Pinson, Inc. or Charles P. B. Pinson in the control and operation of station KIK578 and to determine the legal, financial and other relationships heretofore and presently existing between Charles P. B. Pinson, Inc. or Charles P. B. Pinson, on the one hand, and James C. Fields, licensee of record of station KIK578 at Tampa, Florida, on the other hand.

(i) To determine whether James C. Fields has violated the provisions of section 310(b) of the Communications Act of 1934, as amended, and § 21.29(h) of our rules in relation to station KIK578.

(j) To determine, on the basis of the evidence adduced on all of the above issues, whether James C. Fields should be disqualified for reasons, other than technical qualifications, from being a licensee in this service.

(k) To determine, on a comparative basis, the nature and extent of service now provided by station KIK578 in Tampa, including the rates, charges, practices, classifications, regulations, and facilities pertaining thereto.

(l) To determine, on a comparative basis, the nature and extent of service proposed by Alan H. Rosenson in Tampa, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

(m) To determine the area and population presently covered by station KIK578 in Tampa.

(n) To determine the area and population to be covered by Rosenson's proposed station in Tampa.

(o) To determine the nature and extent of the need of the public for service of the kind proposed by Rosenson and Fields, respectively.

(p) To determine, on the basis of the engineering standards relative to the 43 dbu contour, as set forth above, whether any harmful interference would result from the simultaneous cochannel operations on the frequency 35.22 Mc by stations KIK578 and KIQ516 at Tampa, and, if so, in view of the nature of the service proposed, whether such service would be undesirable or intolerable.

(q) To determine the reasons for which Alan H. Rosenson seeks to modify the construction permit for station KIQ516 to change the authorized frequency of his proposed station from 43.22 Mc to 35.22 Mc.

(r) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be better served by (1) a grant or a denial of the renewal of license application for station KIK578; (2) a grant or a denial of the application to modify the construction permit for station KIQ516.

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5236; Filed, June 8, 1960; 8:50 a.m.]

[Docket No. 12615 etc.; FCC 60M-956]

COOKEVILLE BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Hamilton Parks, tr/as, Cookeville Broadcasting Company, Cookeville, Tennessee, et al. Docket No. 12615, File No. BP-11518; Docket Nos. 12960, 12962, 12964, 12965, 12966, 12968, 12970, 12971, 12972, 12973, 12974, 12978, 12979, 12981, 12982; for construction permits.

Pursuant to agreements reached by counsel for all parties at the further hearing held on this day,

It is ordered, This 1st day of June 1960, that the further hearing upon the applications in Group 3 is continued to a date to be fixed by subsequent order.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5235; Filed, June 8, 1960; 8:50 a.m.]

[Docket No. 13276-13279; FCC 60M-961]

LARAMIE BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz and William R. Vogel, d/b as Laramie Broadcasters, Laramie, Wyoming, Docket No. 13276, File No. BP-12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, Docket No. 13277, File No. BP-12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, Docket No. 13278, File No. BP-12572; T. I. Moseley, Denver, Colorado, Docket No. 13279, File No. BP-13147; for construction permits.

The Hearing Examiner having under consideration a petition filed by Boulder Radio KBOL, Inc., on May 26, 1960, requesting an extension of date for exchange of engineering exhibits;

It appearing that a conference was held on June 1 at which time the entire time schedule for this proceeding was reviewed in the light of certain events which have taken place and are expected to take place within the coming month; and

It further appearing that the date for exchange of engineering exhibits was previously set at June 3 and the date for commencement of hearing was set at June 30, both of which dates, it was agreed by all parties, should be extended;

It is ordered, This 2d day of June 1960, that the foregoing petition of Boulder Radio KBOL, Inc. is granted; that the date for the exchange of engineering exhibits is continued to July 14 and the date for commencement of hearing is continued from June 30 to July 25, 1960.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5237; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 13469-13471; FCC 60M-962]

WILMER E. HUFFMAN ET AL.

Order Continuing Hearing

In re applications of Wilmer E. Huffman, Pratt, Kansas, Docket No. 13469, File No. BP-12021; Francis C. Morgan, Jr., Larned, Kansas, Docket No. 13470, File No. BP-12749; Pier San, Inc., Larned, Kansas, Docket No. 13471, File No. BP-12750; for construction permits.

The Hearing Examiner having under consideration a motion, filed by counsel for applicant Pier San, Inc., on June 1, 1960, for rescheduling of dates previously set, to enable movant's engineer to prepare and submit his material;

It appearing that counsel for the other parties have no objection to the immediate consideration and grant of the motion;

It is ordered, This 2d day of June 1960, that the motion is granted, and the dates are rescheduled as follows:

	From—	*To—*
Informal exchange of engineering exhibits	June 7	June 21, 1960
Final exchange of engineering and lay exhibits	June 22	July 6, 1960
Notification of witnesses	June 30	July 14, 1960
Hearing	July 7 [1]	July 21, 1960

[1] At 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5238; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 13540-13546; FCC 60-637]

MACON BROADCASTING CO. (WNEX) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Macon Broadcasting Company (WNEX), Macon, Georgia, Has: 1400 kc, 250 w, U. Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13540, File No. BP-12261; Johnston Broadcasting Company (WJLD) (George Johnston, Jr., and Rose Hood Johnston, Partners), Homewood, Alabama, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13541, File No. BP-12559; E. H. Eiland, Jr., Union Springs, Ala-

bama, Requests: 1410 kc, 500 w, Day, Docket No. 13542, File No. BP-12776; Yetta G. Samford, C. S. Shealy, and Aileen M. Samford, Executrix of the Estate of Thomas D. Samford, Jr., Deceased, Miles H. Ferguson and John E. Smollon, d/b as Opelika-Auburn Broadcasting Company (WJHO), Opelika, Alabama, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13543, File No. BP-12911; John F. Pidcock and Roy F. Zess d/b as Radio Station WMGA (WMGA), Moultrie, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13544, File No. BP-12998; Newnan Broadcasting Company (WCOH), Newnan, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13545, File No. BP-13133; Elberton, Broadcasting Company (WSGC), Elberton, Georgia, Has: 1400 kc, 250 w, U, Requests: 1400 kc, 250 w, 1 kw-LS, U, Docket No. 13546, File No. BP-13405; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 1st day of June 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 21, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by letter dated February 9, 1960, Tennessee Valley Radio and Television Corporation, licensee of Station WMSL, Decatur, Alabama, agreed to accept any interference from the proposal of Station WJLD (BP-12559) in the event that the application of Station WJLD to increase its daytime power to one kilowatt is granted; and

It further appearing that in reply to the Commission's letter of January 21, 1960, E. H. Eiland requests (1) a grant of his application without hearing; (2) a grant of his application on condition that, "if interference to WRBL [Columbus, Georgia] should exceed the limits in operation", the applicant would (a) change frequency, (b) install a directional antenna to protect WRBL, or (c) cease operation; or (3) consideration of his application in accordance with the waiver provisions provided by § 1.391 of the Commission rules; [1] and

It further appearing that in support of Eiland's requests, he states that he will accept the interference from Station WRBL, Columbus, Georgia; that the interference his proposal would cause to WRBL is less than WRBL would cause to his proposal and that the interference would fall in a sparsely populated area in Alabama; that Columbus is served by five other standard broadcast stations in Columbus and a sixth station in nearby Phenix City, Alabama; that WRBL is part of a wealthy chain and that the need for Eiland's proposed station "far outweighs the improbable loss to WRBL"; that the WJHO proposal herein, with which Eiland's proposal is in conflict, is in conflict with four existing stations and four proposed operations; that the proposed "primary service" of WJHO might possibly encompass Lanett, Alabama, the location of Station WRLD; [2] that Miles H. Ferguson has interests in both WRLD and WJHO and would, in effect, have two stations in the same town; that the proposed WJHO power increase would not render any new service in the area common to both WRLD and WJHO but would only duplicate WRLD service in the area served thereby; and that Eiland accepts the interference from the WJHO proposal; and

It further appearing that by letter of February 10, 1960, counsel for Station WRBL requested that Eiland's application be designated for hearing and that the licensee of Station WRBL be made a party to the proceeding and, therefore, a hearing is necessary; and

It further appearing that the Commission is of the opinion that the present situation is not one which would warrant a conditional grant of the Eiland application and that the questions presented require resolution in the hearing ordered below; and

It further appearing that with respect to Eiland's request for consideration of his application in accordance with the special waiver procedure provided by § 1.364 of the Commission rules must be denied because the application had not been designated for hearing at the time the request was made, Eiland did not indicate that copies of his request were served on the other parties involved and no other party to this proceeding has requested consideration of its application in accordance with the waiver procedure; and

It further appearing that with respect to Eiland's allegations concerning the interests of Miles H. Ferguson, the Commission considered the overlap of the service areas of Stations WJHO and WRLD in granting an application for Commission consent to the acquisition of positive control of Station WRLD by Ferguson on December 16, 1959, after finding that the overlap of the service areas of WJHO and WRLD was not substantial within the meaning of § 3.35 of the Commission rules on multiple ownership; that WRLD does not provide an adequate signal for service to Opelika; that WJHO does not provide an adequate signal for service to Lanett, Alabama, or West Point, Georgia, and would not provide an adequate signal if authorized to increase daytime power; and that, therefore, Ferguson's interest in WRLD is not significant in this proceeding; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of E. H. Eiland, Jr., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of each of the other applicants and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether the instant proposal of Station WNEX would involve objectionable interference with Stations WCOH, Newnan, Georgia; WCQS, Alma, Georgia; WJHO, Opelika, Alabama; WMGA, Moultrie, Georgia; and WSGC, Elberton, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of Station WJLD would involve objectionable interference with Stations WFPA, Fort Payne, Alabama; WJHO, Opelika, Alabama; WMSL, Decatur, Alabama; and WXAL, Demopolis, Alabama, or any other existing standard broadcast stations, and if so, the nature and extent thereof; the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of E. H. Eiland, Jr., would in-

[1] Apparently Eiland refers to the procedure now provided by new § 1.364 which supersedes former § 1.391.

[2] WRLD is licensed to serve Lanett, Alabama-West Point, Georgia.

volve objectionable interference with Station WRBL, Columbus, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether the instant proposal of Station WJHO would involve objectionable interference with Stations WCOH, Newnan, Georgia; WJLD, Homewood, Alabama; WNEX, Macon, Georgia; and WRBL, Columbus, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the instant proposal of Station WMGA would involve objectionable interference with Stations WCQS, Alma, Georgia; WNEX, Macon, Georgia; and WPRY, Perry, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

9. To determine whether the instant proposal of Station WCOH would involve objectionable interference with Stations WJHO, Opelika, Alabama; and WNEX, Macon, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

10. To determine whether the instant proposal of Station WSGC would involve objectionable interference with Stations WHPB, Belton, South Carolina; WTHE, Spartanburg, South Carolina; and WNEX, Macon, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

11. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

12. To determine whether overlap of the 2 mv/m and 25 mv/m contours would occur between the instant proposal of Opelika-Auburn Broadcasting Company (WJHO) and Station WRBL, Columbus, Georgia in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

13. To determine whether the transmitter site proposed by Newman Broadcasting Company (WCOH) is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

14. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

15. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, Queen City Broadcasting System, Incorporated, George A. Gothberg, Jr., Demopolis Broadcasting Company, Inc., Columbus Broadcasting Company, Inc., Taylor County Broadcasting Company, Community Broadcasting Company, Inc., and Spartanburg Broadcasting Company, licensees of stations WCQS, WFPA, WXAL, WRBL, WPRY, WHPB and WTHE, respectively, are made parties to the proceeding.

It is further ordered, That each of the applicants herein except E. H. Eiland, Jr., be made parties to the proceeding with respect to their existing operations.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the instant applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5239; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 12095, 12096; FCC 60M-965]

WAYNE M. NELSON AND FRED H. WHITLEY

Order Scheduling Hearing

In re applications of Wayne M. Nelson, Concord, North Carolina, Docket No. 12095, File No. BP-10936; Fred H. Whitley, Dallas, North Carolina, Docket No. 12096, File No. BP-10987; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-entitled proceeding held on this date: *It is ordered,* This 2d day of June 1960, that the following schedule of dates shall govern:

Exchange of exhibits, September 20, 1960.
Notification as to witnesses desired, October 3, 1960.

It is further ordered, That the hearing in this proceeding will commence on October 11, 1960, at 10 a.m., in Washington, D.C.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5240; Filed, June 8, 1960; 8:50 a.m.]

[Docket Nos. 13579-13585; FCC 60-645]

CHARLES P. B. PINSON, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Charles P. B. Pinson, Inc., for a construction permit to change location and change antenna at existing licensed two-way station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13579, File No. 683-C2-P-59; for a construction permit to change location and change antenna at existing licensed one-way station KIG843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13580, File No. 684-C2-P-59; for a construction permit to establish a new one-way signaling facility in the Domestic Public Land Mobile Radio Service at Clearwater, Florida, Docket No. 13581, File No. 785-C2-P-59; for a modification of construction permit to extend date of required completion of construction and change control point for station KIN652 in the Domestic Public Land Mobile Radio Service at Jacksonville, Florida, Docket No. 13582, File No. 263-C2-MP-60; for renewal of the license for station KIB386 in the Domestic Public Land Mobile Radio Service at Tampa, Florida, Docket No. 13583, File No. 207-C2-R-60; for renewal of the license for station KIG289 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13584, File No. 1069-C2-R-60; for renewal of the license for station KIG-843 in the Domestic Public Land Mobile Radio Service at St. Petersburg, Florida, Docket No. 13585, File No. 1380-C2-R-60.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of June, 1960;

The Commission having under consideration the above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service;

It appearing that Charles P. B. Pinson, Inc. (Pinson) may have assumed the full operational control of station KIK578, a one-way signaling station at Tampa, Florida, licensed to James C. Fields (Fields), without having first obtained the Commission's consent therefor, as required by section 310(b) of our Act and § 21.29(b) of our rules and despite actual notice not to so do; and

It further appearing that the obtaining of the license for station KIK578 in the name of Fields may have been in furtherance of a scheme by Pinson and Fields to mislead the Commission into believing that such facility would be operated by Fields rather than Pinson; and

It further appearing that the operation of station KIK578 may not have been in accordance with the sworn statements of Fields and Pinson executed on March 17, 1958, relative thereto; and

It further appearing that Pinson and Fields may have willfully and deliberately made false representations to the Commission and its representatives for the purpose of misleading or misinforming the Commission relative to matters material to the grant of radio authorizations to such persons and relative to the use and operation of station KIK578; and

It further appearing that Pinson may have violated other Federal statutes, particularly those pertaining to income tax and those pertaining to wages and hours of employees; and

It further appearing that we are unable to find, at this time, that Pinson possesses the necessary technical and other (character and moral) qualifications to be a licensee in this service; and

It further appearing that the Commission has advised the applcant and all known parties in interest by various letters transmitted pursuant to section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the captioned applications cannot be granted without a hearing and that replies have been received from the applicant, and from other parties in interest, and that such replies have been considered; and

It further appearing that Pinson, in his individual capacity, though not an attorney-at-law, has requested a waiver of § 1.23(a) of the Commission's rules so as to permit him, individually, to represent the licensee and applicant corporation as attorney; and

It further appearing that pursuant to the provisions of § 1.23(a) of our rules and well established and sound precedents set forth in our decisions (see 4 FCC 281; 4 FCC 293; 13 RR 1) this request must be denied;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing in a proceeding which is consolidated, in view of the matters mentioned above, with a hearing ordered this date in the matter of certain applications of James C. Fields and Alan H. Rosenson, File Nos. 1964–C2–R–60 and 2335–C2–MP–60, respectively, at the Commission's offices in Washington, D.C. and at such places in Tampa and St. Petersburg, Florida, as may be designated by the Presiding Examiner, on a date or dates to be hereinafter specified, upon the following issues:

(1) To determine Charles P. B. Pinson, Inc.'s technical and character qualifications to be a licensee in this service.

(2) To determine whether the statement made to the Commission under oath on March 17, 1958 by Charles P. B. Pinson, President of Charles P. B. Pinson, Inc., relative to the operation of station KIK578 was true and correct when made.

(3) To determine, in the event the statement mentioned in issue 2 above is found to be untrue in any respect, whether such untrue statement was made with intent to mislead and misinform the Commission.

(4) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have made false and misleading representations to the Commission and its representatives relevant and material to the grant of radio authorizations for station KIK578 and material and relevant to the use and operation of such station.

(5) To determine the basis for, and the extent of, the participation of Charles P. B. Pinson, Inc. or Charles P. B. Pinson in the control and operation of station KIK578 and to determine the legal, financial and other relationships heretofore and presently existing between Charles P. B. Pinson, Inc., or Charles P. B. Pinson, on the one hand, and James C. Fields, licensee of record of station KIK578 at Tampa, Florida, on the other hand.

(6) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have violated the provisions of section 310(b) of the Communications Act and Section 21.19(h) of our rules in relation to station KIK578.

(7) To determine whether Charles P. B. Pinson, Inc. or Charles P. B. Pinson have been found, by competent authority, to have violated any Federal statute relating to income tax or pertaining to wages and hours of their employees.

(8) To determine, on the basis of the evidence adduced on all of the above issues, whether Charles P. B. Pinson, Inc. should be disqualified for reasons, other than technical qualifications, from being a licensee in this service.

(9) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the captioned applications.

It is further ordered, That Pinson's request for waiver of § 1.23(a) of the Commission's rules is denied; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5241; Filed, June 8, 1960; 8:51 a.m.]

[Docket Nos. 13504, 13505; FCC 60M-963]

LAWRENCE SHUSHAN AND UNITED BROADCASTING CO. (KEEN–FM)

Order Scheduling Prehearing Conference

In re applications of Lawrence Shushan, Albany, California, Docket No. 13504, File No. BPM–2799; United Broadcasting Company (KEEN–FM), San Jose, California, Docket No. 13505, File No. BMPH–6068; for construction permits (FM).

It appearing that this matter is currently scheduled for hearing on July 25, 1960, but that a prehearing conference is desirable beforehand; and

It further appearing that the date of July 25 is not available to the Hearing Examiner because of a conflict;

It is ordered, This 2d day of June 1960, that a prehearing conference will convene on June 30, 1960, in Washington, D.C., at 10:00 a.m. and the currently scheduled hearing date of July 25, 1960, is cancelled.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5242; Filed, June 8, 1960; 8:51 a.m.]

[Docket No. 12651 etc.; FCC 60M-971]

JAMES E. WALLEY ET AL.

Order Scheduling Prehearing Conference

In re applications of James E. Walley, Oroville, California, et al., Docket No. 12651, File No. BP–11655; Docket Nos. 12819, 12820, 12821, 13281, 13282, 13283, 13284, 13482; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference for Group 1 in the above-entitled proceeding held on this date: *It is ordered,* This 3d day of June 1960, that the following schedule of dates shall govern:

Exchange of exhibits:
Oroville applicants (engineering), August 22, 1960.
KCRA, Inc., August 29, 1960.

It is further ordered, That the hearing for Group 1 in this proceeding will commence on September 6, 1960, at 10 a.m., in Washington, D.C.

Released: June 6, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5243; Filed, June 8, 1960; 8:51 a.m.]

[Docket Nos. 13448–13452; FCC 60M-958]

WTTT, INC. (WTTT) ET AL.

Order Following First Prehearing Conference

In re applications of WTTT, Inc. (WTTT), Arlington, Florida, Docket No. 13448, File No. BP–12059; Onslow Broadcasting Corporation (WJNC), Jacksonville, North Carolina, Docket No. 13449, File No. BP–12309; Ponce De Leon Broadcasting Company (WFOY), St. Augustine, Florida, Docket No. 13450, File No. BP–12322; Indian River Radio, Inc. (WMMB), Melbourne, Florida, Docket No. 13451, File No. BP–12479; Capitol Broadcasting Company, Incorpo-

rated (WRAL), Raleigh, North Carolina, Docket No. 13452, File No. BP-13130; for standard broadcast construction permits.

The Hearing Examiner having under consideration further proceedings in the above-entitled matter following a prehearing conference held on May 25, 1960;

It appearing that the issues in the above-entitled matter may be divided into three areas of testimony involving: (1) the Florida applications; (2) the North Carolina applications; and (3) a very limited area of evidence involving WJNC at Jacksonville, North Carolina and the Florida group; and

It further appearing that the hearing in this matter, by agreement of the parties, may be divided into two groups; namely, the first group composed of the Florida applicants and the second group composed of the North Carolina applicants; and

It further appearing that the two North Carolina stations, WJNC and WRAL, are preparing to file petitions with the Commission for severance and grant of their applications from this hearing; and

It further appearing that the other parties to this proceeding desire to proceed with their applications without awaiting Commission action upon the said petitions for severance and grant, and that such a procedure is agreeable to all the parties, and good cause exists for such action;

It is ordered, This 1st day of June 1960, that the parties in the above-entitled proceeding shall be divided into two groups; namely, Group I, composed of the Florida stations, and Group II, composed of WJNC, Jacksonville, North Carolina and WRAL, Raleigh, North Carolina; and

It is further ordered, That Group I shall be governed by the following dates with respect to the future conduct of the proceedings:

July 29, 1960—an informal exchange of all engineering information;

August 31, 1960—the formal exchange of all engineering exhibits based upon the exchanged information, as well as all exhibits with respect to the 307(b) issue set forth in the Commission's Order of Designation;

September 7, 1960—the notification of witnesses whose presence is desired at the hearing by the parties;

September 13, 1960—the evidentiary hearing with respect to Group I; and

It is further ordered, That future dates concerning Group II, the North Carolina stations, are to await the action of the Commission upon their respective petitions for severance and grant.

Released: June 3, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-5244; Filed, June 8, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. DA-989, DA-994]

LANDS WITHDRAWN IN POWER SITE RESERVES NOS. 87 AND 261, AND PROJECT NO. 284

Finding of the Commission and Partial Vacation of Withdrawal Under Section 24 of the Federal Water Power Act

JUNE 2, 1960.

Lands withdrawn in Power Site Reserves Nos. 87 and 261 and Project No. 284, Docket No. DA-989-California, Mrs. Alfred G. Porteous; Docket No. DA-994-California, George M. Downing.

An application, designated Docket No. DA-989-California, was filed by Mrs. Alfred G. Porteous, of Glencoe, California, for restoration to entry, requiring a determination under section 24 of the Federal Power Act with respect to the following-described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 6 N., R. 13 E.,
Sec. 20, lots 4 and 5.

and an application, designated Docket No. DA-994-California, was filed by George M. Downing, of San Jose, California, for restoration to entry, requiring a determination under section 24 of the Federal Power Act with respect to the following-described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 6 N., R. 14 E.,
Sec. 7, E½NE¼ and NE¼SE¼;
Sec. 8, W½NW¼.

The above-described lands in sec. 20 lie almost a mile south of the South Fork Mokelumne River and the Middle Fork of the Mokelumne and its tributary, Forest Creek, flow through the southern portions of the above-described lands in secs. 7 and 8.

The lands in sec. 20 are withdrawn in Power Site Reserve No. 261, dated April 19, 1912, and the lands in secs. 7 and 8 are withdrawn in Power Site Reserve No. 87, dated July 2, 1910, based on Temporary Power Site Withdrawal of December 20, 1909. The land in the NE¼SE¼ of sec. 7, among other lands, was also reserved pursuant to the filing on July 31, 1922, of an application for a preliminary permit for proposed Project No. 284. The preliminary permit expired March 5, 1924.

A determination under section 24 of the Federal Power Act for highway purposes was made by the Commission on September 9, 1941 (Docket No. DA-599-California) with respect to a portion of the land in the SE¼NW¼ of sec. 20, which included above-described lot 5.

The development of the water resources of the Mokelumne River basin has been and is continuing to be the subject of considerable review. The above-described lands in sec. 20, ranging in elevation from 2,480 feet to almost 2,800 feet, are located a short distance downstream from one of the several developments contemplated under proposed Project No. 2128, a comprehensive development to be located on the Mokelumne River and the South Fork of Mokelumne River, for which an application for a license is pending before this Commission. The lands will not be affected by the proposed project and, since it does not appear likely that any greater development would affect the lands, their power value is negligible.

As to the development of the Middle Fork, the existing Middle Fork dam and reservoir project, located just upstream from the lands in secs. 7 and 8, is operated for irrigation and municipal water supply. The enlargement of the project has been suggested but the development of power has not been mentioned.

Proposed Project No. 284 contemplated the development of several small dams on the Middle Fork for diversion to the South Fork and thence to a storage reservoir on the North Fork Calaveras River, primarily for irrigation with an accompanying generation of a small amount of power. Such diversion dams probably could be constructed at numerous points along this particular reach of river, making the power value of any specific portion of the lands conjectural.

Moreover, since it appears that future development of the water resources of the Middle Fork, limited by a comparative small drainage area, will be for domestic water supply and irrigation, the power value of the lands is negligible.

The Commission finds:

(1) Inasmuch as the above-described lands have negligible value for purposes of power development, the existing power withdrawals pertaining thereto serve no useful purpose.

(2) It has no objection to the revocation by the Secretary of the Interior of Power Site Reserves Nos. 87 and 261 insofar as they pertain to the above-described lands.

(3) Vacation of the existing power withdrawal pertaining to the above-described land in the NE¼SE¼ of sec. 7, T. 6 N., R. 14 E., Mount Diablo meridian, California, under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 284 is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described land in the NE¼SE¼ of sec. 7, T. 6 N., R. 14 E., Mount Diablo meridian, California, under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 284 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-5211; Filed, June 8, 1960; 8:46 a.m.]

[Docket No. G-17849 etc.]

EL PASO NATURAL GAS CO. ET AL.

Postponement of Hearing

JUNE 3, 1960.

El Paso Natural Gas Company, Docket No. G-17849; Northern Natural Gas

Company, Docket No. G–18110; The Atlantic Refining Company, Docket No. G–17571; Phillips Petroleum Company, Operator, Docket No. G–17747; Socony Mobil Oil Company, Inc., Docket No. G–17842; Shell Oil Company, Operator, Docket No. G–17888; Pioneer Production Corporation, Operator, Docket No. G–18553; Riddell Petroleum Corporation, Docket No. G–18609; Pan American Petroleum Corporation, Operator, Docket No. G–18660; Sinclair Oil & Gas Company, Operator, Docket No. G–18748.

Take notice that the hearing in the above-designated matters now scheduled for June 13, 1960, is hereby postponed to June 27, 1960, at 10:00 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5212; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. RI60–347 etc.]

JAMES G. BROWN & ASSOCIATES ET AL.

Correction

JUNE 2, 1960.

James G. Brown & Associates (Operator), et al., Docket Nos. RI60–347 etc.; Phillips Petroleum Company, Docket No. RI60–349.

In the order providing for hearings on and suspension of proposed changes in rates, issued May 20, 1960 and published in the FEDERAL REGISTER on May 27, 1960 (25 F.R. 4692): Correct footnote 3 to read "or such subsequent date as Michigan-Wisconsin's rate in Docket No. RP60–9 may become effective" instead of "or such subsequent date as Michigan Wisconsin's rate in Docket No. RP60–9 may be submitted."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5213; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. G–12399 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Postponement of Oral Argument

JUNE 3, 1960.

Natural Gas Pipeline Company of American, Docket No. G–12399; Champlin Oil & Refining Company, Docket No. G–14830; Amerada Petroleum Corporation, Docket No. G–16029; Cities Service Gas Company, Docket No. G–16217; Phillips Petroleum Company, Docket Nos. G–16280 and G–16439; Carter-Jones Drilling Company, Inc., Docket No. G–16288; Magnolia Petroleum Company (now Socony Mobil Oil Company, Inc.), Docket Nos. G–16295, G–16296, G–16393, G–16266; Johntom Oil Company, Inc., Docket No. G–16375; McCommons Oil Company, Docket No. G–16376; Anson L. Clark, Docket No. G–16382; Cornell Oil Company, Docket No. G–16383; Bond Oil Corporation, et al., Docket No. G–16392; Hudson Oil & Metals Company, Docket No. G–16436; The Pure Oil Company, Docket No. G–17493; Gulf Oil Corporation, Docket No. G–16761; Riddell Petroleum Corporation, Docket No. G–17828; Fain-Porter Drilling Corporation, Docket No. G–17831.

Take notice that the oral argument in the above-designated matters now scheduled for June 16, 1960, is hereby postponed to July 8, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5214; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. G–19086 etc.]

PEOPLES GULF COAST NATURAL GAS PIPELINE CO. ET AL.

Advancement of Date of Oral Argument

JUNE 3, 1960.

Peoples Gulf Coast Natural Gas Pipeline Company and Natural Gas Pipeline Company of America, Docket No. G–19086; Hassie Hunt Trust, Operator, et al., Docket No. G–19115; H. L. Hunt, Operator, et al., Docket No. G–19116; Hunt Oil Company, Docket No. G–19117; William Herbert Hunt Trust Estate, Operator, Docket No. G–19118; Lamar Hunt Trust Estate, Docket No. G–19119; George W. Graham, Inc., Operator, et al., Docket No. G–19123; Placid Oil Company, Operator, et al., Docket Nos. G–19124 and G–19125; Natural Gas Pipeline Company of America, Docket No. G–20202; Iowa Southern Utilities Company, Docket No. G–20313; Missouri Utilities Company, Docket No. G–20335; City of Corning, Iowa, Docket No. G–20591; Iowa-Illinois Gas and Electric Company, Docket No. G–20593; Lateral Gas Pipeline Company, Docket No. CP60–42; Iowa Electric Light and Power Company, Docket No. CP60–43; Iowa Power and Light Company, Docket No. CP60–48.

Take notice that the oral argument in the above-designated matters now scheduled for July 8, 1960, will be had before the Commission on June 16, 1960, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. All parties intending to participate in the oral argument shall notify the Secretary of the Commission in writing on or before June 10, 1960, of such intention and of the length of time requested for presentation of their arguments. Parties having common interests should present their arguments by one representative.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5215; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. RI60–336]

PHILLIPS PETROLEUM CO.

Postponement of Hearing

JUNE 2, 1960.

Upon consideration of the motion filed May 25, 1960, by Phillips Petroleum Company for postponement of the hearing now scheduled for June 21, 1960, in the above-designated matter;

The hearing now scheduled for June 21, 1960, is hereby postponed to June 30, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5216; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. 9716 etc.]

SINCLAIR OIL & GAS CO.

Correction

MAY 25, 1960.

Sinclair Oil & Gas Company, Docket Nos. G–9716, G–9717, G–9718, G–10011, G–10293, G–12117.

In the order permitting increased rates to remain in effect and severing and terminating proceedings, issued April 14, 1960 and published in the FEDERAL REGISTER on April 20, 1960 (25 F.R. 3438): In paragraph (1) in the findings and paragraph (A) of the ordering clause the docket number "G–12117" should be corrected to read "G–10293".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5217; Filed, June 8, 1960; 8:47 a.m.]

[Docket No. RI60–352]

JOHN D. TODD

Correction

JUNE 2, 1960.

In the order providing for hearing on and suspension of proposed increased rate, issued May 20, 1960, and published in the FEDERAL REGISTER on May 27, 1960 (25 F.R. 4693): After the heading "Proposed increased rate:" change "20.0 cents per Mcf" to read "23.0 cents per Mcf."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–5218; Filed, June 8, 1960; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 381]

SECRETARY OF DEFENSE

Delegation of Authority

1. Pursuant to the provisions of sections 210(a)(4) and 205 (d) and (e) of

the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interest of the executive agencies of the Federal Government in the matter of Application of Clinton County Water Company for authority to Increase Water Rates, before the City of Wilmington, Ohio, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective April 29, 1960.

Dated: June 2, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-5233; Filed, June 8, 1960; 8:50 a.m.]

WATERFOWL FEATHERS AND DOWN HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 1,930,000 pounds (clean basis) of waterfowl feathers and down now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these 1,930,000 pounds of feathers and down. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said 1,930,000 pounds of feathers and down are obsolescent for use in time of war.

General Services Administration proposes to transfer to Federal agencies such quantities of feathers and down as may be required by such agencies. In order to provide for further disposal, General Services Administration may sell said feathers and down, on a competitive basis. The quantity sold at any one time will not exceed 60,000 pounds (clean basis) and there will be an interval of at least 60 days between sales. Said feathers and down will become available for transfer or sale beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Prior to the beginning of disposal pursuant to this plan, it is contemplated that waterfowl feathers and down will be disposed of in accordance with statutory authority for sale, without replacement, of excess perishable stockpile materials to avoid deterioration. The quantity of feathers and down covered by this notice shall be reduced by the quantity of feathers and down so disposed of.

Dated: June 2, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-5234; Filed, June 8, 1960; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

CONVENTIONAL ARTILLERY AND MORTAR SHELL

Notice of Amendment of Plan and Regulations of the Ordnance Corps Governing the Integration Committee

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Conventional Artillery and Mortar Shell to put the committee mechanism for meeting defense requirements in a standby status until such time as a national emergency in this field should be found to require reactivation. This amendment was made after consultation between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Civil and Defense Mobilization. This amended voluntary plan was approved by the Director of the Office of Civil and Defense Mobilization and was found to be in the public interest as contributing to the national defense.

Contents of request. The Department of the Army has recommended that the Plan and Regulations of the Ordnance Corps covering the activities of the Ordnance Integration Committee on Conventional Artillery and Mortar Shell be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended (amendment attached).

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request for your participation in the activities of this Committee is superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely,

LEO A. HOEGH,
Director.

The following companies have agreed to participate in the amended plan and this list supersedes previous publications in the FEDERAL REGISTER of membership in the Voluntary Plan governing the activities of the Integration Committee on Conventional Artillery and Mortar Shell.

ACCEPTANCES

ACF Industries, Inc., New York, N.Y.
American Radiator and Standard Sanitary Corp., Salem, Ohio.
Bryant Manufacturing Co., Division of Carrier Corp., Indianapolis, Ind.
Carboloy Department of General Electric Co., Detroit, Mich.
Chamberlain Corp., Waterloo, Iowa.
Cleveland Welding Division, American Machine and Foundry Company, Cleveland, Ohio.
Cobusco Steel Products (Colorado Builders Supply Co.), Denver, Colo.
Cribben and Sexton Co., Chicago, Ill.
Deere Manufacturing Co., Moline, Ill.
Delta Tank Manufacturing Co., Baton Rouge, La.
Donovan, Inc., St. Paul, Minn.
Fasco Industries, Inc., Rochester, N.Y.
Firth Sterling, Inc., Pittsburgh, Pa.
Guide Lamp Division, General Motors Corp., Anderson, Ind.
Hardwicke Etter Co., Sherman, Tex.
Harris Foundry & Machine Co., Cordele, Ga.
Haynes Stellite Co., Union Carbide & Carbon Corp., Kokomo, Ind.
Kelsey-Hayes Wheel Co., Detroit, Mich.
Kennametal, Inc., Latrobe, Pa.
Kennedy-Van Saun Manufacturing and Engineering Corp., Danville, Pa.
Kohler Co., Kohler, Wis.
Kordite Corp., Jacksonville, Ill.
Lehigh Foundries, Inc., Easton, Pa.
Lempco Products, Inc., Bedford, Ohio.
Murray Manufacturing Co., Brooklyn, N.Y.
National Presto Industries, Inc., Eau Claire, Wis.
New Bedford Defense Products, Division of Firestone Tire and Rubber Co., New Bedford, Mass.
Norris-Thermador Corp., Norris Division, Los Angeles, Calif.
Pace Corp., Memphis, Tenn.
Redco Tool Division, Red Lion Cabinet Co., Red Lion, Pa.
J. W. Rex Co., Lansdale, Pa.
Rheem Manufacturing Co., Washington, D.C.
Roper Industries, Inc., Rockford, Ill.
Rudisill Foundry Co., Shell Plant Division, Sylacauga, Ala.
Temco, Inc., Nashville, Tenn.
The Central Foundry Co., Holt, Ala.
The Clark Grave Vault Co., Columbus, Ohio.
The Englander Co., Inc., Birmingham, Ala.
The Murray Co. of Texas, Inc., Dallas, Tex.
The National Supply Co., Pittsburgh, Pa.
The Oliver Corp., Chicago, Ill.
U.S. Hoffman Machinery Corp., New York, N.Y.
Universal Match Co., Ferguson, Mo.
L. A. Young Spring & Wire Corp., Detroit, Mich.

(Sec. 708, 64 Stat. 818, as amended, 50 U.S.C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 10773, July 1, 1958, 23 F.R.

5061; Executive Order 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: June 1, 1960.

LEO A. HOEGH,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 60-5200; Filed, June 8, 1960; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNST HODLER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernst Hodler, Kilchberg bei Zurich, Switzerland; $1,952.30 in the Treasury of the United States.

Vesting Order No. 15466; Claim No. 61193.

Executed at Washington, D.C., on June 1, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-5170; Filed, June 7, 1960; 8:47 a.m.]

UNIVERSAL EDITION A.G.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Universal Edition A.G., Vienna, Austria; to Universal Edition A.G.: $188,172.99 in the Treasury of the United States, and

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions vested by Vesting Order No. 2096 to the extent owned by Universal Edition A.G., Vienna, Austria, immediately prior to the vesting thereof; and

All right, title, interest and claim of whatsoever kind or nature in and to the copyright of the work entitled "Die Dreigroschenoper" by Kurt Weill, vested by Vesting Order No. 500A-203, and the works entitled "Orchesterstudien; Aus Richard Strauss, Symphonischen Werken, Gewahlte, Violine arr. von Carl Prill, Heft 2", Carl Prill, Editor and "Orchesterstudien, op. 12, Aus Symphonischen Werken von Richard Strauss, Op. 12; Aus Gewahlt und Bezeichnet von Carl Prill, Fur violine, Heft 1.", vested by Vesting Order No. 500A-40, to the extent owned by Universal Edition A.G., of Vienna, Austria, immediately prior to the vesting thereof.

Vesting Orders Nos. 2096, 500A-40 and 500A-203; Claim No. 42926.

To Universal Edition A. G. for the benefit of the persons and companies named below, in the amounts set forth opposite each name:

1.	Walter Andress	$1.82
2.	Kurt Atterberg	239.40
3.	Henk Badings	95.90
4.	Helene Berg	5,353.31
5.	Emil Berte	18.60
6.	Franz Burkhart	49.24
7.	Gaspar Cassado	154.83
8.	Susette Enthoven	38.79
9.	Maria Frischauf-Pappenheim	33.68
10.	Karl Geiringer	314.90
11.	Joseph M. Hauer	84.21
12.	Viktor Hruby	25.22
13.	Edwin Kallstenius	29.91
14.	Poul Knudsen	5.41
15.	Zoltan Fekete	.15
16.	Luis Krasner	110.46
17.	Francesco Malipiero	872.68
18.	Frank Martin	176.52
19.	Joseph Marx	826.01
20.	Darius Milhaud	5,868.61
21.	Nathan Milstein	246.30
22.	Marcel Poot	64.38
23.	Ennio Porrino	39.67
24.	Hans F. Redlich	95.79
25.	Elsa Respighi	419.13
26.	Franz Schmidt—heir Margareta Schmidt 5/8ths only	832.81
27.	Max Schonherr	482.58
28.	Josefine Stein—heirs Gabriele & Alois Bucher	8.77
29.	Anton Webern—heirs Maria Halbich & Amalie Waller 2/3ds & 1/3d respectively	832.34
30.	Kurt Weill—heir Lotte L. Davis	1,799.28
31.	Felix Weingartner—heir Carmen Studer-Weingartner	316.71
32.	Alfredo Casella—heirs Yvonne Casella & Fulvia Casella-Nicolodi, ½ each	2,267.91
33.	Frederick Delius Estate	1,181.46
34.	Jerzy Fitelberg—heir Tamara Fitelberg	143.32
35.	Hamilton Harty—heir Olive E. Baguley	220.51
36.	Georges Bizet Estate	7,118.46
37.	Ernst Krenek	953.86
38.	Franz Werfel—heir Maria Mahler-Werfel	2,033.99
39.	Eduard Poldini	29.18
40.	Puccini—heir Rita dell'Anna Puccini	218.85
41.	Alfred Willner	148.17
42.	Franz Mittler	15.28
43.	Marianne Kuranda	158.22
44.	Robert Stolz	14.12
45.	Heinz Reichert—heir Ellen Reichert	54.54
46.	Eugene Zador	37.01
47.	Eric Zeisl	27.88
48.	Vittoria Rieti	214.50
49.	Daniel G. Mason	83.20
A.	Boosey & Hawkes	60.01
B.	Columbia Gramophon	73.89
C.	Universal Edition A.G., Zurich	61.42
D.	Casa Musicale Sonzogno	146.77

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions vested by Vesting Order No. 2096 to the extent owned by the persons and companies named above, or their predecessors in interest, to the extent owned by them or their predecessors in interest immediately prior to the vesting thereof.

There is reserved to the Attorney General all right, title and interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, shares of profits or other emolument, and all causes of action accrued or to accrue relating to the compositions or any interest therein, vested by Vesting Order No. 2096, other than those mentioned above.

Executed at Washington, D.C., on June 1, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-5171; Filed, June 7, 1960; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

JUNE 3, 1960.

In the matter of trading on the American Stock Exchange In the Common Stock, Par Value 10 cents per share of Skiatron Electronics and Television Corporation, File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative

acts or practices, this order to be effective for a period of ten (10) days, June 5, 1960 to June 14, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-5227; Filed, June 8, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36294: *Paper and paper articles—Golden, Colo., to southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7816), for interested rail carriers. Rates on paper and related articles in carloads from Golden, Colo., to points in southwestern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 14 to Southwestern Freight Bureau tariff I.C.C. 4340.

FSA No. 36295: *Cast iron pipe—Lone Star, Tex., to southern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7818), for interested rail carriers. Rates on cast iron pipe and fittings, and related articles, as described in the application, in carloads from Lone Star, Tex., to points in southern territory.

Grounds for relief: Market competition, short-line distance formula and grouping.

Tariff: Supplement 51 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 36296: *Cement—Pennsylvania to Adams and Husted, Colo.* Filed by Traffic Executive Association—Eastern Railroads, Agent (ER No. 2543), for interested rail carriers. Rates on cement and related articles, as described in the application, in carloads from York, Navarro and Northampton, Pa., to Adams and Husted (U.S. Air Force Academy), Colo.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 57 to Traffic Executive Association—Eastern Railroads tariff I.C.C. C-14.

FSA No. 36297: *Scrap iron or steel—Michigan points to Hamilton, Ont.* Filed by Traffic Executive Association-Eastern Railroads, Agent (No. ER 2545), for interested rail carriers. Rates on scrap iron or steel (not copper clad) carloads, as described in the application from Holland and Muskegon, Mich., to Hamilton, Ont., Canada.

Grounds for relief: Water competition.

Tariffs: Supplement 52 to Grand Trunk Western Railroad Company tariff I.C.C. A-100. Supplement 92 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 36298: *Tin or Terne Plate—Ala., Ill., and Mo., to Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-7819), for interested rail carriers. Rates on tin or terne plate, in carloads, as described in the application from specified points in Alabama, Chicago and East St. Louis, Ill., and St. Louis, Mo., to Garland and Great Southwest, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 109 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-5230; Filed, June 8, 1960; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.